



सरकारी गज़ट, उत्तर प्रदेश

उत्तर प्रदेश सरकार द्वारा प्रकाशित

खण्ड 79] प्रयागराज, शनिवार, 26 अप्रैल, 2025 ई० (वैशाख 06, 1947 शक संवत्) [संख्या 17

विषय-सूची

हर भाग के पन्ने अलग-अलग किये गये हैं, जिससे इनके अलग-अलग खण्ड बन सके।

विषय	पृष्ठ संख्या	वार्षिक चन्दा	विषय	पृष्ठ संख्या	वार्षिक चन्दा
सम्पूर्ण गजट का मूल्य		रु०			रु०
भाग 1— विज्ञप्ति—अवकाश, नियुक्ति, स्थान—नियुक्ति, स्थानान्तरण, अधिकार और दूसरे वैयक्तिक नोटिस	189—208	3075	भाग 5—एकाउन्टेन्ट जनरल, उत्तर प्रदेश	...	975
भाग 1—क— नियम, कार्य-विधियां, आज्ञायें, विज्ञप्तियां इत्यादि, जिनको उत्तर प्रदेश के राज्यपाल महोदय, विभिन्न विभागों के अध्यक्ष तथा राजस्व परिषद् ने जारी किया	403—416	1500	भाग 6—(क) बिल, जो भारतीय संसद में प्रस्तुत किये गये या प्रस्तुत किये जाने से पहले प्रकाशित किये गये (ख) सिलेक्ट कमेटियों की रिपोर्ट क—भारतीय संसद के ऐक्ट	...	975
भाग 1—ख (1) औद्योगिक न्यायाधिकरणों के अभिनिर्णय			भाग 7—(क) बिल, जो राज्य की धारा सभाओं में प्रस्तुत किये जाने के पहले प्रकाशित किये गये		
भाग 1—ख (2)—श्रम न्यायालयों के अभिनिर्णय			(ख) सिलेक्ट कमेटियों की रिपोर्ट		
भाग 2—आज्ञायें, विज्ञप्तियां, नियम और नियम विधान, जिनको केन्द्रीय सरकार और अन्य राज्यों की सरकारों ने जारी किया, हाई कोर्ट की विज्ञप्तियां, भारत सरकार के गजट और दूसरे राज्यों के गजटों का उद्धरण	...	975	भाग 7—क—उत्तर प्रदेशीय धारा सभाओं के ऐक्ट भाग 7—ख—इलेक्शन कमीशन ऑफ इंडिया की अनुविहित तथा अन्य निर्वाचन सम्बन्धी विज्ञप्तियां	31—124	975
भाग 3—स्वायत्त शासन विभाग का क्रोड़पत्र, खण्ड ग—निर्वाचन (स्थानीय निकाय) तथा खण्ड घ—जिला पंचायत	43—48	975	भाग 8—नगरपालिका परिषद्, नगर पंचायत, सरकारी कागज-पत्र, दवाई हुई रुई की गाठों का विवरण-पत्र, जन्म-मरण के आँकड़े, रोगग्रस्त होने वालों और मरने वालों के आँकड़े, फसल और ऋतु सम्बन्धी रिपोर्ट, बाजार भाव, सूचना, विज्ञापन इत्यादि	577—649	975
भाग 4— निदेशक, शिक्षा विभाग, उत्तर प्रदेश		975	स्टोर्स—पर्चेज विभाग का क्रोड़ पत्र	...	1425

भाग 1

विज्ञप्ति-अवकाश, नियुक्ति, स्थान-नियुक्ति, स्थानान्तरण, अधिकार और दूसरे वैयक्तिक नोटिस।

संस्कृति विभाग

अधिसूचना

07 फरवरी, 2024 ई०

सं० 452/चार-2023—उत्तर प्रदेश प्राचीन एवं ऐतिहासिक स्मारकों तथा पुरातत्वीय स्थानों और अवशेषों का परिरक्षण अधिनियम, 1956 (उत्तर प्रदेश अधिनियम संख्या-7, 1957) के अधीन उत्तर प्रदेश में प्राचीन एवं ऐतिहासिक स्मारकों तथा पुरातत्वीय स्थानों और अवशेषों पर यथा प्रयोज्य एन्शियेन्ट मानूमेन्ट्स प्रिजर्वेशन एक्ट, 1904 (अधिनियम संख्या-7, 1904) की धारा-3 की उपधारा(1) के अधीन शक्ति का प्रयोग करके, राज्यपाल महोदय द्वारा नीचे अनुसूची में वर्णित प्राचीन स्मारकों/स्थलों को संरक्षित किया गया था। परन्तु पुरातत्व परामर्शदात्री समिति की बैठक 12 दिसम्बर, 2023 की संस्तुति के अनुक्रम में निम्न स्मारक को असंरक्षित घोषित करते हैं—

अनुसूची

क्र० सं०	राज्य	जिला	तहसील और ग्राम	स्मारक /स्थान का नाम	पूर्व में जारी विज्ञप्ति/अधिसूचना संख्या 2395/चार-10(51)/81, दिनांक 31 दिसम्बर, 1984			
					संरक्षण के अधीन लिये जाने वाली राजस्व गाटा सं०	क्षेत्रफल हेक्टेयर /एकड़ में	सीमायें	असंरक्षित घोषित करने का कारण
1	2	3	4	5	6	7	8	9
1	उत्तर प्रदेश	आगरा	किरावली	अकबर का शिकारगाह	43	(3 बीघा 4 बिस्वांसी)	उत्तर-गाटा सं० 44, 45, 46 दक्षिण-गाटा सं० 45 का भाग पूर्व-गाटा सं० 45 का भाग पश्चिम-गाटा सं० 42	पर्यटन संवर्धन के उद्देश्य से एडाप्टिव री-यूज किये जाने के लिये पी०पी०पी० माडल पर हेरिटेज होटल विकसित किये जाने हेतु असंरक्षित किया जाता है।

सूचना

उपर्युक्त अधिसूचना निरस्त किये जाने के सम्बन्ध में यदि कोई आपत्तियां हों, तो प्रमुख सचिव, संस्कृति विभाग, उ०प्र० शासन, बापू भवन, सचिवालय, लखनऊ, निदेशक, उ०प्र० राज्य पुरातत्व विभाग, छतर मंजिल परिसर, कैसरबाग, लखनऊ अथवा जिलाधिकारी, आगरा को सम्बोधित करते हुये लिखित रूप में भेजी जा सकती है। केवल उन्हीं आपत्तियों पर विचार किया जायेगा, जो इस अधिसूचना के निरस्त होने के दिनांक से एक माह के भीतर प्राप्त होंगी।

सं0 566/चार-2023—उत्तर प्रदेश प्राचीन एवं ऐतिहासिक स्मारकों तथा पुरातत्वीय स्थानों और अवशेषों का परिरक्षण अधिनियम, 1956 (उत्तर प्रदेश अधिनियम संख्या-7, 1957) के अधीन उत्तर प्रदेश में प्राचीन एवं ऐतिहासिक स्मारकों तथा पुरातत्वीय स्थानों और अवशेषों पर यथा प्रयोज्य एन्शियेन्ट मानूमेन्ट्स प्रिजर्वेशन एक्ट, 1904 (अधिनियम संख्या-7, 1904) की धारा-3 की उपधारा(1) के अधीन शक्ति का प्रयोग करके, राज्यपाल महोदय द्वारा नीचे अनुसूची में वर्णित प्राचीन स्मारकों/स्थलों को संरक्षित किया गया था। परन्तु पुरातत्व परामर्शदात्री समिति की बैठक 12 दिसम्बर, 2023 की संस्तुति के अनुक्रम में निम्न स्मारक घोषित करने की अधिसूचना जारी करते हैं—

अनुसूची

क्र0 सं0	राज्य	जिला	तहसील और ग्राम	स्मारक /स्थान का नाम	पूर्व में जारी विज्ञप्ति/अधिसूचना संख्या 970/चार-2023, दिनांक 23 मार्च, 2023			
					संरक्षण के अधीन लिये जाने वाली राजस्व गाटा सं0	क्षेत्रफल हेक्टेय/ एकड़ में	सीमायें	असंरक्षित घोषित करने का कारण
1	2	3	4	5	6	7	8	9
						हेक्टेयर		
1	उत्तर प्रदेश	झांसी	मऊरानी पुर कचनेव	चम्पत राय का महल	986 994	0.040 0.206	उत्तर-गाटा सं0 987, 997 दक्षिण-गाटा सं0 984, 993 पूर्व-गाटा सं0 988, 995 पश्चिम-गाटा सं0 985, 976	पर्यटन संवर्धन के उद्देश्य से एडाप्टिव री-यूज किये जाने के लिए पी0पी0पी माडल पर हेरिटेज होटल विकसित किये जाने हेतु असंरक्षित किया जाता है।
2	"	"	टहरौली	टहरौली का किला	179	4.201 0.890	उत्तर-सरकारी अस्पताल दक्षिण-तालाब पूर्व-आबादी पश्चिम-तालाब	पर्यटन संवर्धन के उद्देश्य से एडाप्टिव री-यूज किये जाने के लिए पी0पी0पी माडल पर हेरिटेज होटल विकसित किये जाने हेतु असंरक्षित किया जाता है।

सूचना

उपर्युक्त अधिसूचना निरस्त किये जाने के सम्बन्ध में यदि कोई आपत्तियां हों, तो प्रमुख सचिव, संस्कृति विभाग, उ0प्र0 शासन, बापू भवन, सचिवालय, लखनऊ, निदेशक, उ0प्र0 राज्य पुरातत्व विभाग, छतर मंजिल परिसर, कैसरबाग, लखनऊ अथवा जिलाधिकारी, आगरा को सम्बोधित करते हुये लिखित रूप में भेजी जा सकती है। केवल उन्हीं आपत्तियों पर विचार किया जायेगा, जो इस अधिसूचना के निरस्त होने के दिनांक से एक माह के भीतर प्राप्त होंगी।

सं0 567/चार-2023—उत्तर प्रदेश प्राचीन एवं ऐतिहासिक स्मारकों तथा पुरातत्वीय स्थानों और अवशेषों का परिरक्षण अधिनियम, 1956 (उत्तर प्रदेश अधिनियम संख्या-7, 1957) के अधीन उत्तर प्रदेश में प्राचीन एवं ऐतिहासिक स्मारकों तथा पुरातत्वीय स्थानों और अवशेषों पर यथा प्रयोज्य एन्शियेन्ट मानूमेन्ट्स प्रिजर्वेशन एक्ट 1904 (अधिनियम संख्या-7, 1904) की धारा-3 की उपधारा(1) के अधीन शक्ति का प्रयोग करके, राज्यपाल महोदय द्वारा नीचे अनुसूची में वर्णित प्राचीन स्मारकों/स्थलों को संरक्षित किया गया था। परन्तु पुरातत्व परामर्शदात्री समिति की बैठक 12 दिसम्बर, 2023 की संस्तुति के अनुक्रम में निम्न स्मारक असंरक्षित घोषित करते हैं—

अनुसूची

क्र0 सं0	राज्य	जिला	तहसील और ग्राम	स्मारक /स्थान का नाम	पूर्व में जारी विज्ञप्ति/अधिसूचना संख्या 1568/चार-10(20)/61, दिनांक 17 जुलाई, 1968			
1	2	3	4	5	संरक्षण के अधीन लिये जाने वाली राजस्व गाटा सं0	क्षेत्रफल /एकड़ / हेक्टेयर	सीमायें	असंरक्षित घोषित करने का कारण
1	2	3	4	5	6	7	8	9
1	उत्तर प्रदेश	लखनऊ	लखनऊ सदर	कोठी फरहत बख्श	---	---	---	पर्यटन संवर्धन के उद्देश्य से एडाप्टिव री-यूज किये जाने के लिए पी0पी0पी माडल पर हेरिटेज होटल विकसित किये जाने हेतु असंरक्षित किया जाता है।

सूचना

उपर्युक्त अधिसूचना निरस्त किये जाने के सम्बन्ध में यदि कोई आपत्तियां हों, तो प्रमुख सचिव, संस्कृति विभाग, उ0प्र0 शासन, बापू भवन, सचिवालय, लखनऊ, निदेशक, उ0प्र0 राज्य पुरातत्व विभाग, छतर मंजिल परिसर, कैसरबाग, लखनऊ अथवा जिलाधिकारी, आगरा को सम्बोधित करते हुये लिखित रूप में भेजी जा सकती है। केवल उन्हीं आपत्तियों पर विचार किया जायेगा, जो इस अधिसूचना के निरस्त होने के दिनांक से एक माह के भीतर प्राप्त होंगी।

आज्ञा से,
राकेश चन्द्र शर्मा,
विशेष सचिव।

09 अप्रैल, 2024 ई0

सं0 1065/चार-2024—उत्तर प्रदेश प्राचीन एवं ऐतिहासिक स्मारकों तथा पुरातत्वीय स्थानों और अवशेषों का परिरक्षण अधिनियम, 1956 (उत्तर प्रदेश अधिनियम संख्या-7, 1957) के अधीन उत्तर प्रदेश में प्राचीन एवं ऐतिहासिक स्मारकों तथा पुरातत्वीय स्थानों और अवशेषों पर यथा प्रयोज्य एन्शियेन्ट मानूमेन्ट्स प्रिजर्वेशन एक्ट 1904 (अधिनियम

संख्या-7, 1904) की धारा-3 की उपधारा(1) के अधीन शक्ति का प्रयोग करके, श्री राज्यपाल नीचे अनुसूची में वर्णित प्राचीन स्मारकों/स्थानों को संरक्षित स्मारक घोषित करने की अधिसूचना जारी करते हैं—

अनुसूची

क्र० सं०	राज्य	जिला	तहसील और ग्राम	स्मारक /स्थान का नाम	संरक्षण के अधीन लिये जाने वाली राजस्व गाटा सं०	क्षेत्रफल /एकड़ / हेक्टेयर	सीमायें
1	2	3	4	5	6	7	8
						हेक्टेयर	
1	उत्तर प्रदेश	पीलीभीत	पीलीभीत, पीलीभीत	बरेली गेट	500	0.053	पूर्व-गाटा संख्या 560 पश्चिम-गाटा संख्या 499 उत्तर-गाटा संख्या 501 दक्षिण-गाटा संख्या 499
2	"	"	परगना-पीलीभीत	कोतवाली गेट	506	0.040	पूर्व-गाटा संख्या 516 पश्चिम-गाटा संख्या 337 उत्तर-गाटा संख्या 507 दक्षिण-गाटा संख्या 505

सूचना

उल्लिखित अधिसूचना जारी किये जाने के सम्बन्ध में यदि कोई आपत्तियां, यदि कोई हों, प्रमुख सचिव, उ०प्र० शासन, संस्कृति विभाग, बापू भवन, सचिवालय, लखनऊ, निदेशक, उ०प्र० राज्य पुरातत्व विभाग, छतर मंजिल परिसर, कैसरबाग, लखनऊ अथवा जिलाधिकारी, पीलीभीत को सम्बोधित करते हुये लिखित रूप में भेजी जा सकती है। केवल उन्हीं आपत्तियों पर विचार किया जायेगा, जो इस अधिसूचना के स्मारक पर चस्पा होने के दिनांक से एक माह के भीतर प्राप्त होंगी।

आज्ञा से,
उमा द्विवेदी,
संयुक्त सचिव।

SANSKRITI DEPARTMENT

The Governor is pleased to order the publication of the following English translation of
Notification No. 1065/Four-2024 Dated : April 09, 2024 for general information.

NOTIFICATION

April 09, 2024

No. 1065/Four-2024—In exercise of the powers under Sub-section (1) of the section 3 of the Ancient Monuments Preservation Act, 1904 (Act no.VII of 1904), as re-enacted by section 3 of the U.P. Ancient and

Historical Monuments and Archaeological sites and Remains Preservation Act, 1956, (U.P. Act no.VII of 1957), the Governor is pleased to propose to declare the ancient moments described in the Schedule below to be the protected monuments within the meaning the said Act. No. VII of 1904.

Schedule

Sl. No	State	District	Tehsil and Village	Name of the Monument sites	Revenue Plots to be taken under protection	Area	Boundaries
1	2	3	4	5	6	7	8
						<i>Hectare</i>	
1	Uttar Pradesh	Pilibhit	Pilibhit,	Bareilly Gate	500	0.053	East-Revenue Plot No. 560 West-Revenue Plot No. 499 North-Revenue Plot No. 501 South-Revenue Plot No. 499
2	Do.		Pargana Piliphit	Kotwali Gate	506	0.040	East-Revenue Plot No. 516 West-Revenue Plot No. 337 North-Revenue Plot No. 507 South-Revenue Plot No. 505

Intimation

Objection, if any, to the issue of this notification may be sent in writing and shall be addressed to the Principal Secretary, Uttar Pradesh Shashan, Sanskriti Anubhag, Lucknow/Director U.P. State Archaeology Department Kaiserbagh, Lucknow or District Magistrate, Piliphit within one month from the date of the pasting of this notification on the monument.

By order,
Uma Dwivedi,
Joint Secretary.

संस्कृति विभाग

अधिसूचना

09 अप्रैल, 2024 ई०

सं० 1278/चार-2024—उत्तर प्रदेश प्राचीन एवं ऐतिहासिक स्मारकों तथा पुरातत्वीय स्थानों और अवशेषों का परिरक्षण अधिनियम, 1956 (उत्तर प्रदेश अधिनियम संख्या-7, 1957) की धारा-3 के साथ पठित प्राचीन स्मारक परिरक्षण

अधिनियम, 1904 (अधिनियम संख्या-7, 1904) की धारा-3 की उपधारा (3) के अधीन शक्ति का प्रयोग करके, राज्यपाल की अधिसूचना संख्या-3792/चार-2023, लखनऊ दिनांक 29 अगस्त, 2023 की पुष्टि करते हैं—

अनुसूची

क्र० सं०	राज्य	जिला	तहसील और ग्राम	स्मारक / स्थान का नाम	संरक्षण के अधीन लिये जाने वाली राजस्व गाटा सं०	क्षेत्रफल एकड़/ हेक्टेयर में	सीमायें
1	2	3	4	5	6	7	8
						हेक्टेयर	
1	उत्तर प्रदेश	बांदा	ग्राम-औगासी बांगर तहसील- बबेरु	औगासी का टीला	496 (1.408 हेक्टेयर)	0.200	उत्तर-गाटा संख्या 22 (जगदीश प्रसाद) पूर्व-गाटा संख्या 496 का अंश दक्षिण-गाटा संख्या 496 का अंश पश्चिम-गाटा संख्या 494
2	"	"	ग्राम-करहुली तहसील-बबेरु	करहुली का शिव मन्दिर	190	0.340 (बंजर) 0.036 (शिव मंदिर)	उत्तर-गाटा संख्या 186 पूर्व-गाटा संख्या 187 एवं 188 दक्षिण-गाटा संख्या 191 एवं 192 पश्चिम-गाटा संख्या 186 एवं 191
					191	0.587 (तालाब)	उत्तर-गाटा संख्या 190 पूर्व-गाटा संख्या 190 दक्षिण-गाटा संख्या 192 पश्चिम-गाटा संख्या 190 एवं 192

आज्ञा से,
उमा द्विवेदी,
संयुक्त सचिव।

SANSKRITI DEPARTMENT

The Governor is pleased to order the publication of the following English translation of Notification No. 3792/Four-/2023, Lucknow Dated : August 29, 2023 for general information.

NOTIFICATION

April 09, 2024

No. 1278/Four-2024—In exercise of the powers under Sub-section (3) of the section 3 of the Ancient Monuments Preservation Act, 1904 (Act no.VII of 1904), as re-enacted by section 3 of the U.P. Ancient and

Historical Monuments and Archaeological sites and Remains Preservation Act, 1956, (U.P. Act no.VII of 1957), the Governor is pleased to declare the ancient monuments/sites specified in the Schedule below to be the protected monuments within the meaning the said Act.

Schedule

Sl. No	State	District	Tehsil and Village	Name of the Monument sites	Revenue Plots to be taken under protection	Area	Boundaries
1	2	3	4	5	6	7	8
						<i>Hectare</i>	
1	Uttar Pradesh	Banda	Village-Augasi Bangar Tehsil-Babaru	Mound of Augasi	Revenue Plot No. 496 (Area 1.408 Hectare)	0.200	North-Revenue Plot No. 22 East - Part of Revenue Plot No. 496 South- Part of Revenue Plot No. 496 West- Revenue Plot No. 494
2	Do.	Do.	Village-Karhuli Tehsil-Babaru	Shiv Mandir of Karhuli	190	0.340 (Banjar)	North -Revenue Plot No. 186 East - Revenue Plot No. 187 and 188 South - Revenue Plot No. 191 and 192 West - Revenue Plot No. 186 and 191
					191	0.587 (Talab)	North -Revenue Plot No. 190 East - Revenue Plot No. 190 South - Revenue Plot No. 192 West - Revenue Plot No. 190 and 192

By order,
Uma Dwivedi,
Joint Secretary.

संस्कृति विभाग

अधिसूचना

09 अप्रैल, 2024 ई०

सं० 1279/चार-2024—उत्तर प्रदेश प्राचीन एवं ऐतिहासिक स्मारकों तथा पुरातत्वीय स्थानों और अवशेषों का परिरक्षण अधिनियम, 1956 (उत्तर प्रदेश अधिनियम संख्या-7, 1957) की धारा-3 के साथ पठित प्राचीन स्मारक परिरक्षण अधिनियम 1904 (अधिनियम संख्या-7, 1904) की धारा-3 की उपधारा (3) के अधीन शक्ति का प्रयोग करके, राज्यपाल की अधिसूचना संख्या-3584/चार-2023, लखनऊ दिनांक 29 अगस्त, 2023 की पुष्टि करते हैं—

अनुसूची

क्र० सं०	राज्य	जिला	तहसील और ग्राम	स्मारक / स्थान का नाम	संरक्षण के अधीन लिये जाने वाली राजस्व गाटा सं०	क्षेत्रफल एकड़/ हेक्टेयर में	सीमायें
1	2	3	4	5	6	7	8
1	उत्तर प्रदेश	सीतापुर	ग्राम- अलावलपुर परगना- हरगाँवतहसील -सदर	शिव मंदिर, अलावलपुर	375	हेक्टेयर 0.044 हेक्टेयर	उत्तर-खाली भूमि गाटा संख्या 375 व आबादी दक्षिण-गाटा सं० 378क, 378ख, 378ग एवं अजय प्रकाश, विजय प्रकाश, सुशील कुमार सिंह आदि का चक एवं ठाकुर द्वारा पूर्व-चक मार्ग के बाद ओंकार, वेद प्रकाश, प्रदीप आदि का चक गाटा सं० 379 पश्चिम-गाटा संख्या 375 के अंश के बाद गाटा संख्या 376 एवं पक्की सड़क

आज्ञा से,
उमा द्विवेदी,
संयुक्त सचिव।

SANSKRITI DEPARTMENT

The Governor is pleased to order the publication of the following English translation of Notification No. 1279/Four-2024 Dated : April 09, 2024 for general information.

The Governor is pleased to order the following English translation of Notification No. 3584/Four-2023 Dated : August 29, 2023 for general information.

NOTIFICATION*April 09, 2024*

No. 1279/Four-2024—In exercise of the powers under Sub-section (3) of the section 3 of the Ancient Monuments Preservation Act, 1904 (Act no.VII of 1904), as re-enacted by section 3 of the U.P. Ancient and Historical Monuments and Archaeological sites and Remains Preservation Act, 1956. (U.P. Act no.VII of 1957), the Governor is pleased to declare the ancient monuments/sites specified in the Schedule below to be the protected monuments within the meaning the said Act.

Schedule

Sl. No.	State	District	Tehsil and Village	Name of the Monument sites	Revenue Plots to be taken under protection	Area	Boundaries
1	2	3	4	5	6	7	8
						<i>Hectare</i>	
1	Uttar Pradesh	Sitapur	Village-Alawalpur, Pargana-Hargaon Tehsil-Sadar	Shiv Mandir Alawalpur	375	0.044	North-Open Land, Revenue Plot No. 375 and Population South- Revenue Plot No. 378क, 378ख, 378ग and the Plot of Ajay Prakash, Vijay Prakash and Sushil Kumar Singh, Including Thakurdwara East- Revenue Plot No. 379 of Omkar, Ved Parkash, Pradeep etc. after Chak Marg. West- Revenue Plot No. 376 and Pucca Road after part of Revenue Plot No. 375

By order,
Uma Dwivedi,
Joint Secretary.

संस्कृति विभाग

अधिसूचना

09 अप्रैल, 2024 ई०

सं० 1280/चार-2024—उत्तर प्रदेश प्राचीन एवं ऐतिहासिक स्मारकों तथा पुरातत्वीय स्थानों और अवशेषों का परिरक्षण अधिनियम, 1956 (उत्तर प्रदेश अधिनियम संख्या-7, 1957) की धारा-3 के साथ पठित प्राचीन स्मारक परिरक्षण अधिनियम 1904 (अधिनियम संख्या-7, 1904) की धारा-3 की उपधारा (3) के अधीन शक्ति का प्रयोग करके, राज्यपाल की अधिसूचना संख्या-3791/चार-2023, लखनऊ दिनांक 29 अगस्त, 2023 की पुष्टि करते हैं—

अनुसूची

क्र० सं०	राज्य	जिला	तहसील और ग्राम	स्मारक / स्थान का नाम	संरक्षण के अधीन लिये जाने वाली राजस्व गाटा सं०	क्षेत्रफल	सीमाएं
1	2	3	4	5	6	7	8
1	उत्तर प्रदेश	कौशाम्बी	ग्राम-बसुहार परगना एवं तहसील-चायल	बेनीराम कटरा का शिव मन्दिर	2458	0.0148 हेक्टेयर (आंशिक भाग)	उत्तर-मंझनपुर से प्रयागराज मार्ग दक्षिण-गाटा सं० 2472 एवं 2473 पूर्व-गाटा सं० 2474 पश्चिम-गाटा संख्या 2459

SANSKRITI DEPARTMENT

The Governor is pleased to order the publication of the following English translation of Notification No. 1280/Four-2024 Dated : April 09, 2024 for general information.

The Governor is pleased to order the following English translation of Notification No. 3791/Four-2023 Dated : August 29, 2023 for general information.

NOTIFICATION

April 09, 2024

No. 1280/Four-2024—In exercise of the powers under sub-Section (3) of the section 3 of the Ancient Monuments Preservation Act, 1904 (Act no.VII of 1904), as re-enacted by section 3 of the U.P. Ancient and Historical Monuments and Archaeological sites and Remains Preservation Act, 1956, (U.P. Act no.VII of 1957), the Governor is pleased to declare the ancient monuments/sites specified in the schedule below to be the protected monuments within the meaning the said Act.

Schedule

Sl. No.	State	District	Tehsil and Village	Name of the Monument sites	Revenue Plots to be taken under protection	Area	Boundaries
1	2	3	4	5	6	7	8
						<i>Hectare</i>	
1	Uttar Pradesh	Kausambi	Village-Basuhar Tehsil-Chayal	Shiv Mandir of Beni Ram Katra	2458	0.0148 Hectare (Partial Part)	North-Road From Manjhanpur to Prayagraj South- Revenue Plot No. 2472 and 2473 East- Revenue Plot No. 2474 West- Revenue Plot No. 2459

By order,
Uma Dwivedi,
Joint Secretary.

संस्कृति विभाग

प्रथम अधिसूचना

14 जून, 2024 ई०

सं० 1743/चार-2024-उत्तर प्रदेश प्राचीन एवं ऐतिहासिक स्मारकों तथा पुरातत्वीय स्थानों और अवशेषों का परिरक्षण अधिनियम, 1956 (उत्तर प्रदेश अधिनियम संख्या-7, 1957) के अधीन उत्तर प्रदेश में प्राचीन एवं ऐतिहासिक स्मारकों तथा पुरातत्वीय स्थानों और अवशेषों पर यथा-प्रयोज्य, एन्शियेन्ट मान्यूमेन्ट्स प्रिजर्वेशन एक्ट 1904 (अधिनियम संख्या-7, 1904) की धारा-3 की उपधारा(1) के अधीन प्रदत्त शक्ति का प्रयोग करके, श्री राज्यपाल नीचे अनुसूची में वर्णित प्राचीन स्मारकों/स्थानों को संरक्षित स्मारक घोषित करने की अधिसूचना जारी करती हैं—

अनुसूची

क्र० सं०	राज्य	जिला	तहसील और ग्राम	स्मारक/स्थान का नाम	संरक्षण के अधीन लिये जाने वाली गाटा सं०	क्षेत्रफल	सीमाएं
1	2	3	4	5	6	7	8
						हेक्टेयर	
1	उत्तर प्रदेश	अमेठी	ग्राम-बहादुरपुर, जायस तहसील-तिलोई	संदली	6119	0.1830	पूर्व-गाटा संख्या 6118 (बंजर) पश्चिम-गाटा संख्या 6129 (मो० असलम आदि) उत्तर-गाटा संख्या 6114 एवं गाटा संख्या 6120 (बंजर भूमिया), गाटा संख्या 6121 (अ० रऊफ आदि) दक्षिण-रायबरेली सुल्तानपुर राष्ट्रीय राजमार्ग
				मंदली का मकबरा	6132	0.1520	पूर्व-गाटा संख्या 6131 (सैय्यद मियां) पश्चिम-गाटा संख्या 6134 (शम्भू चक) उत्तर-रास्ता दक्षिण-गाटा संख्या 6133 (कब्रिस्तान)
2				शाही मस्जिद / इमामबाड़ा	5860	0.2280	पूर्व-गाटा संख्या 5853 एवं 5855 पश्चिम-रास्ता उत्तर-गाटा संख्या 3217 एवं 3218 दक्षिण-गाटा संख्या 5855 एवं 5859

सूचना

उल्लिखित अधिसूचना जारी किये जाने के सम्बन्ध में आपत्तियाँ, यदि कोई हों, प्रमुख सचिव, उ०प्र० शासन, संस्कृति विभाग, बापू भवन, उ०प्र० सचिवालय, लखनऊ, निदेशक, उ०प्र० राज्य पुरातत्व विभाग, छतर मंजिल परिसर, कैसरबाग, लखनऊ अथवा जिलाधिकारी, अमेठी को सम्बोधित करते हुए लिखित रूप में भेजी जा सकती है। केवल उन्हीं आपत्तियों पर विचार किया जायेगा, जो इस अधिसूचना के स्मारक पर चस्पा होने के दिनांक से एक माह के भीतर प्राप्त होंगी।

SANSKRITI DEPARTMENT

The Governor is pleased to order the publication of the following English translation of Notification No. 1743/Four-2024 Dated : June 14, 2024 for general information.

NOTIFICATION

June 14, 2024

No. 1743/Four-2024—In exercise of the powers under sub-section (1) of the section 3 of the Ancient Monuments Preservation Act, 1904 (Act no.VII of 1904), as re-enacted by section 3 of the U.P. Ancient and Historical Monuments and Archaeological sites and Remains Preservation Act, 1956. (U.P. Act no.VII of 1957), the Governor is pleased to propose to declare the ancient moments described in the schedule below to be the protected monuments within the meaning the said Act. no. VII of 1904.

Schedule

Sl. No	State	District	Tehsil and Village	Name of the Monument sites	Revenue Plots to be taken under protection	Area	Boundaries
1	2	3	4	5	6	7	8
						<i>Hectare</i>	
1	Uttar Pradesh	Amethi	Village-Bahadurpur, Jais, Tehsil-Tiloi	Tomb of Sandali	6119	0.1830	East-Revenue Plot No. 6118 (Banjar) West-Revenue Plot No. 6129 (Mohd. Aslam etc.) North-Revenue Plot No. 6114, 6120 (Banjar Bhumi) and 6121 (Mohd. Rauf etc.) South-Raebareli Sultanpur National Highway
2	Do.	Do.	Do.	Mandali	6132	0.1520	East- Revenue Plot No. 6131 (Miya Saiyyad) West- Revenue Plot No. 6134 (Shambhu Chak) North- Road/Raasta South- Revenue Plot No. 6133 (Grevayard /Kabristan)
	Do.	Do.	Do.	Shahi Masjid/ Imambara	5860	0.2280	East- Revenue Plot No. 5853 and 5855 West- Road/Raasta North- Revenue Plot No. 3217 and 3218 South- Revenue Plot No. 5855 and 5859

Intimation

Objection, if any, to the issue of this notification may be sent in writing and shall be addressed to the Principal Secretary, Uttar Pradesh Shashan, Sanskriti Anubhag, Lucknow/Director U.P. State Archaeology Department Kaiserbagh, Lucknow or District Magistrate, Amethi within one month from the date of the pasting of this notification on the monument.

By order,
Uma Dwivedi,
Joint Secretary.

संस्कृति विभाग

प्रथम अधिसूचना

18 जुलाई, 2024 ई0

सं0 1733/चार-2024—उत्तर प्रदेश प्राचीन एवं ऐतिहासिक स्मारकों तथा पुरातत्वीय स्थानों और अवशेषों का परिरक्षण अधिनियम, 1956 (उत्तर प्रदेश अधिनियम संख्या-7, 1957) के अधीन उत्तर प्रदेश में प्राचीन एवं ऐतिहासिक स्मारकों तथा पुरातत्वीय स्थानों और अवशेषों पर यथा-प्रयोज्य, एन्शियेन्ट मान्यूमेन्ट्स प्रिजर्वेशन एक्ट 1904 (अधिनियम संख्या-7, 1904) की धारा-3 की उपधारा(1) के अधीन प्रदत्त शक्ति का प्रयोग करके, श्री राज्यपाल नीचे अनुसूची में वर्णित प्राचीन स्मारकों/स्थानों को संरक्षित स्मारक घोषित करने की अधिसूचना जारी करती हैं—

अनुसूची

क्र० सं०	राज्य	जिला	तहसील और ग्राम	स्मारक /स्थान का नाम	संरक्षण के अधीन लिये जाने वाली राजस्व गाटा सं०	क्षेत्रफल	सीमाएं
1	2	3	4	5	6	7	8
						हेक्टेयर	
1	उत्तर प्रदेश	सिद्धार्थ नगर	घोसवा, बर्डपुर-10	गरगज टीला	63	0.013	पूर्व-गाटा संख्या 64, बंजर पश्चिम-गाटा संख्या 64, बंजर उत्तर-गाटा संख्या 64, बंजर दक्षिण-गाटा संख्या 64, बंजर
2			ग्राम पंचायत-पिपरसन, परगना एवं तहसील-नौगढ़	पिपरसन टीला	138 मि०	0.1870	पूर्व-खेत श्रीमती कमला देवी, विजय बहादुर आदि (गाटा संख्या 130 व 132) पश्चिम-चक मार्ग उत्तर-खेत राधिका (गाटा संख्या 139) दक्षिण-खेत सन्तदीन (गाटा संख्या 137)

सूचना

उल्लिखित अधिसूचना जारी किये जाने के सम्बन्ध में आपत्तियाँ, यदि कोई हों, प्रमुख सचिव, उ०प्र० शासन, संस्कृति विभाग, बापू भवन, उ०प्र० सचिवालय, लखनऊ, निदेशक, उ०प्र० राज्य पुरातत्व विभाग, छतर मंजिल परिसर, कैसरबाग, लखनऊ अथवा जिलाधिकारी, सिद्धार्थ नगर को सम्बोधित करते हुए लिखित रूप में भेजी जा सकती है। केवल उन्हीं आपत्तियों पर विचार किया जायेगा, जो इस अधिसूचना के स्मारक पर चस्पा होने के दिनांक से एक माह के भीतर प्राप्त होंगी।

SANSKRITI DEPARTMENT

The Governor is pleased to order the publication of the following English translation of Notification No. 1733/Four-2024 Dated : July 18, 2024 for general information.

NOTIFICATION

July 18, 2024

No. 1733/Four-2024—In exercise of the powers under Sub-section (1) of the section 3 of the Ancient Monuments Preservation Act, 1904 (Act no.VII of 1904), as re-enacted by section 3 of the U.P. Ancient and

Historical Monuments and Archaeological sites and Remains Preservation Act, 1956. (U.P. Act no.VII of 1957), the Governor is pleased to propose to declare the ancient moments described in the schedule below to be the protected monuments within the meaning the said act. no. VII of 1904.

Schedule

Sl. No.	State	District	Tehsil and Village	Name of the Monument sites	Revenue Plots to be taken under protection	Area	Boundaries
1	2	3	4	5	6	7	8
						<i>Hectare</i>	
1	Uttar Pradesh	Siddharth Nagar	Ghoswa, Birdpur-10	Gargaj Tila	63	0.013	East-Revenue Plot No. 64, Banjar West-Revenue Plot No. 64, Banjar North-Revenue Plot No. 64, Banjar South-Revenue Plot No. 64, Banjar
2	Do.	Do.	Gram Panchayat- Piperson, Pargana/ Tehsil- Naugarh	Piperson Tila	138 Mi	0.1870	East-Cultivated Land of Srimati Kamla Devi, Vijay Bahadur etc. (Revenue Plot No. 130 & 132) West-Chak Marg North- Cultivated Land of Radhika (Revenue Plot No. 139) South- Cultivated Land of Santdeen (Revenue Plot No. 137)

Intimation

Objection, if any, to the issue of this notification may be sent in writing and shall be addressed to the Principal Secretary, Uttar Pradesh Shashan, Sanskriti Anubhag, Lucknow/Director U.P. State Archaeology Department Kaiserbagh, Lucknow or District Magistrate, Siddharth Nagar within one month from the date of the pasting of this notification on the monument.

By order,
Uma Dwivedi,
Joint Secretary.

संस्कृति विभाग

प्रथम अधिसूचना

18 जुलाई, 2024 ई०

सं० 1853/चार-2024—उत्तर प्रदेश प्राचीन एवं ऐतिहासिक स्मारकों तथा पुरातत्वीय स्थानों और अवशेषों का परिरक्षण अधिनियम, 1956 (उत्तर प्रदेश अधिनियम संख्या-7, 1957) के अधीन उत्तर प्रदेश में प्राचीन एवं ऐतिहासिक स्मारकों तथा पुरातत्वीय स्थानों और अवशेषों पर यथा-प्रयोज्य, एन्शियमेंट मान्यूमेन्ट्स प्रिजर्वेशन एक्ट 1904 (अधिनियम संख्या-7, 1904) की धारा-3 की उपधारा(1) के अधीन प्रदत्त शक्ति का प्रयोग करके, श्री राज्यपाल नीचे अनुसूची में वर्णित प्राचीन स्मारकों/स्थानों को संरक्षित स्मारक घोषित करने की अधिसूचना जारी करती हैं—

अनुसूची

क्र० सं०	राज्य	जिला	तहसील और ग्राम	स्मारक /स्थान का नाम	संरक्षण के अधीन लिये जाने वाली राजस्व गाटा सं०	क्षेत्रफल	सीमाएं
1	2	3	4	5	6	7	8
1	उत्तर प्रदेश	चन्दौली	मांटी गांव तहसील- सकलडीहा	शिव मन्दिर (भांडेश्वर नाथ)	641	0.377 हेक्टेयर	पूर्व-गाटा संख्या 642 एवं 649 पश्चिम-गाटा संख्या 640 एवं 641 तथा पक्की सड़क उत्तर-रास्ता एवं गाटा संख्या 638 दक्षिण-गाटा संख्या 643

सूचना

उल्लिखित अधिसूचना जारी किये जाने के सम्बन्ध में आपत्तियाँ, यदि कोई हों, प्रमुख सचिव, उ०प्र० शासन, संस्कृति विभाग, बापू भवन, उ०प्र० सचिवालय, लखनऊ, निदेशक, उ०प्र० राज्य पुरातत्व विभाग, छतर मंजिल परिसर, कैसरबाग, लखनऊ अथवा जिलाधिकारी, चन्दौली को सम्बोधित करते हुए लिखित रूप में भेजी जा सकती है। केवल उन्हीं आपत्तियों पर विचार किया जायेगा, जो इस अधिसूचना के स्मारक पर चस्पा होने के दिनांक से एक माह के भीतर प्राप्त होंगी।

SANSKRITI DEPARTMENT

The Governor is pleased to order the publication of the following English translation of
Notification No. 1853/Four-2024 Dated : July 18, 2024 for general information.

NOTIFICATION

July 18, 2024

No. 1853/Four-2024—In exercise of the powers under Sub-section (1) of the section 3 of the Ancient Monuments Preservation Act, 1904 (Act no.VII of 1904), as re-enacted by section 3 of the U.P. Ancient and Historical Monuments and Archaeological sites and Remains Preservation Act, 1956. (U.P. Act no.VII of 1957), the Governor is pleased to propose to declare the ancient moments described in the schedule below to be the protected monuments within the meaning the said Act no. VII of 1904.

Schedule

Sl. No	State	District	Tehsil and Village	Name of the Monument sites	Revenue Plots to be taken under protection	Area	Boundaries
1	2	3	4	5	6	7	8
						<i>Hectare</i>	
1	Uttar Pradesh	Chandauli	Village-Manti Tehsil-Sakaldiha	Shiv Mandir (Bhandeshwar Nath)	641	0.377	East-Revenue Plot No. 642 and 649 West-Revenue Plot No. 640, 641 and Pakki Road. North-Road and Revenue Plot No. 638 South-Revenue Plot No. 643

Intimation

Objection, if any, to the issue of this notification may be sent in writing and shall be addressed to the Principal Secretary, Uttar Pradesh Shashan, Sanskriti Anubhag, Lucknow/Director U.P. State Archaeology Department Kaiserbagh, Lucknow or District Magistrate, Chandauli within one month from the date of the pasting of this notification on the monument.

By order,
Uma Dwivedi,
Joint Secretary.

संस्कृति विभाग

प्रथम अधिसूचना

18 जुलाई, 2024 ई०

सं० 1940/चार-2024—उत्तर प्रदेश प्राचीन एवं ऐतिहासिक स्मारकों तथा पुरातत्वीय स्थानों और अवशेषों का परिरक्षण अधिनियम, 1956 (उत्तर प्रदेश अधिनियम संख्या-7, 1957) के अधीन उत्तर प्रदेश में प्राचीन एवं ऐतिहासिक स्मारकों तथा पुरातत्वीय स्थानों और अवशेषों पर यथा-प्रयोज्य, एन्शियेन्ट मान्यूमेन्ट्स प्रिजर्वेशन एक्ट 1904 (अधिनियम संख्या-7, 1904) की धारा-3 की उपधारा(1) के अधीन प्रदत्त शक्ति का प्रयोग करके, श्री राज्यपाल नीचे अनुसूची में वर्णित प्राचीन स्मारकों/स्थानों को संरक्षित स्मारक घोषित करने की अधिसूचना जारी करती हैं—

अनुसूची

क्र० सं०	राज्य	जिला	तहसील और ग्राम	स्मारक /स्थान का नाम	संरक्षण के अधीन लिये जाने वाली राजस्व गाटा सं०	क्षेत्रफल	सीमाएं
1	2	3	4	5	6	7	8
						हेक्टेयर	
1	उत्तर प्रदेश	फिरोजाबाद	तहसील- शिकोहाबाद ग्राम- मुहम्मदाबाद उर्फ शिकोहाबाद	भगवन्त वाला बाग स्थित पुरानी इमारत	1078 व 1077	0.275 0.203 के भाग पर निर्मित इमारत का रकबा	पूर्व-गाटा संख्या 1078 पश्चिम-गाटा संख्या 1077 उत्तर-गाटा संख्या 1080 दक्षिण-गाटा संख्या 1077
2			तहसील- शिकोहाबाद ग्राम-मुहम्मदपुर लभौआ	गूमज	284/02	1.260 के भाग पर निर्मित गूमज का रकबा एवं सम्पर्क मार्ग	पूर्व-गाटा संख्या 310 पश्चिम-गाटा संख्या 74 उत्तर-गाटा संख्या 284 दक्षिण-गाटा संख्या 78

सूचना

उल्लिखित अधिसूचना जारी किये जाने के सम्बन्ध में आपत्तियाँ, यदि कोई हों, प्रमुख सचिव, उ०प्र० शासन, संस्कृति विभाग, बापू भवन, उ०प्र० सचिवालय, लखनऊ, निदेशक, उ०प्र० राज्य पुरातत्व विभाग, छतर मंजिल परिसर, कैसरबाग, लखनऊ अथवा जिलाधिकारी, फिरोजाबाद को सम्बोधित करते हुए लिखित रूप में भेजी जा सकती है। केवल उन्हीं आपत्तियों पर विचार किया जायेगा, जो इस अधिसूचना के स्मारक पर चस्पा होने के दिनांक से एक माह के भीतर प्राप्त होंगी।

SANSKRITI DEPARTMENT

The Governor is pleased to order the publication of the following English translation of
Notification No. 1940/Four-2024 Dated : July 18, 2024 for general information.

NOTIFICATION

July 18, 2024

No. 1940/Four-2024—In exercise of the powers under Sub-section (1) of the section 3 of the Ancient Monuments Preservation Act, 1904 (Act no.VII of 1904), as re-enacted by section 3 of the U.P. Ancient and Historical Monuments and Archaeological sites and Remains Preservation Act, 1956. (U.P. Act no.VII of 1957), the Governor is pleased to propose to declare the ancient moments described in the Schedule below to be the protected monuments within the meaning the said Act no. VII of 1904.

Schedule

Sl. No	State	District	Tehsil and Village	Name of the Monument sites	Revenue Gata No. to be taken under protection	Area	Boundaries
1	2	3	4	5	6	7	8
						<i>Hectare</i>	
1	Uttar Pradesh	Firozabad	Tehsil-Shikohabad Village-Muhamma dabad <i>urf</i> Shikohabad	Old Building Situated at Bhagvant Wala Bag.	1078 and 1077	0.275 0.203 Part of Constructed Building Area Only	<i>East-Revenue Gata</i> No. 1078 <i>West-Revenue Gata</i> No. 1077 <i>North-Revenue Gata</i> No. 1080 <i>South-Revenue Gata</i> No. 1077
2	Do.	Do.	Tehsil-Shikohabad Village-Mohamma dpur labhaua	Gumaj	284/02	1.260 Part of Constructed Area of Gumaj and connecting Road	<i>East-Revenue Gata</i> No. 310 <i>West-Revenue Gata</i> No. 74 <i>North-Revenue Gata</i> No. 284 <i>South-Revenue Gata</i> No. 78

Intimation

Objection, if any, to the issue of this notification may be sent in writing and shall be addressed to the Principal Secretary, Uttar Pradesh Shashan, Sanskriti Anubhag, Lucknow/Director U.P. State Archaeology Department Kaiserbagh, Lucknow or District Magistrate, Firozabad within one month from the date of the pasting of this notification on the monument.

By order,
Uma Dwivedi,
Joint Secretary.



सरकारी गज़ट, उत्तर प्रदेश

उत्तर प्रदेश सरकार द्वारा प्रकाशित

प्रयागराज, शनिवार, २६ अप्रैल, २०२५ ई० (वैशाख ०६, १९४७ शक संवत्)

भाग १-क

नियम, कार्य विधियां, आज्ञायें, विज्ञप्तियां इत्यादि, जिनको उत्तर प्रदेश के राज्यपाल महोदय, विभिन्न विभागों के अध्यक्ष तथा राजस्व परिषद् ने जारी किया।

HIGH COURT OF JUDICATURE AT ALLAHABAD

NOTIFICATION

April 25, 2024

No. 1457/Admin. (Services)/2024—Dr. (Sushri) Manjari Rawal, Additional Civil Judge, Junior Division, Ghaziabad to be Special Judicial Magistrate, First Class, Ghaziabad (For trying cases relating to C.B.I. Cases) established under Government Notification No. 1686/VIII-Nyaya-2-2001-739/87 T.C.-1 dated 28.12.2001, in the vacant court.

No. 1458/Admin. (Services)/2024—Sri Praduman Singh, Additional Civil Judge (Junior Division), Lucknow is appointed U/s 11(2) of the Code of Criminal Procedure 1973 (Act No. 2 of 1974) as Judicial Magistrate, First Class in the Second Special Court of Special Judicial Magistrate (Air & Water Pollution); Lucknow

and the Special Court of Metropolitan Magistrate established under Government Notification No. 1686/VIII-Nyaya-2-2001-739/87 TC-II dated 28.12.2001 in the vacant court.

May 03, 2024

No. 1459/Admin. (Services)/2024—Sri Sushil Kumar-IV, Additional District & Sessions Judge, Ambedkar Nagar at Akbarpur to be Additional District & Sessions Judge (Fast Track Court), Ambedkar Nagar at Akbarpur for trying cases of crime against women vice Sri Parvind Kumar.

No. 1460/Admin. (Services)/2024—Sri Parvind Kumar, Additional District & Sessions Judge (Fast Track Court), Ambedkar Nagar at Akbarpur to be Additional District & Sessions Judge (Fast Track Court), Ambedkar Nagar at

Akbarpur against the Fast Track Court created under the scheme of 14th Finance Commission vice Sri Bhartendu Prakash Gupta.

No. 1461/Admin. (Services)/2024—Sri Bhartendu Prakash Gupta, Additional District & Sessions Judge (Fast Track Court), Ambedkar Nagar at Akbarpur to be Additional District & Sessions Judge, Ambedkar Nagar at Akbarpur.

No. 1462/Admin. (Services)/2024—Sri Gyan Prakash Tiwari-II, Additional District & Sessions Judge, Ballia to be Additional District & Sessions Judge (Fast Track Court), Ballia for trying cases of crime against women.

No. 1463/Admin. (Services)/2024—Sri Harish Chandra, Additional District & Sessions Judge (Fast Track Court), “Baltia to be Additional District & Sessions Judge (Fast Track Court), Ballia against the Vast Track Court created under the scheme of 14th Finance Commission vice Sri Harish Kumar-II.

No. 1464/Admin. (Services)/2024—Sri Harish Kumar-II, Additional District & Sessions Judge (Fast Track Court), Ballia to be Additional District & Sessions Judge, Ballia.

No. 1465/Admin. (Services)/2024—Sri Shri Pal Singh, Additional District & Sessions Judge (Fast Track Court), Banda to be Additional District & Sessions Judge, Banda.

No. 1466/Admin. (Services)/2024—Sri Arvind Kumar Yadav-II, Additional District & Sessions Judge, Bareilly to be Additional District & Sessions Judge/Special, Judge, Anti-corruption (VBUPSEB), Bareilly vice Sri Abhai Srivastav.

No. 1467/Admin. (Services)/2024—Sri Abhai Srivastav, Special Judge/Additional District & Sessions Judge, Bareilly to be

Additional District & Sessions Judge/Special Judge, Bareilly vice Km. Afshan.

He is also appointed U/s 12-A of U.P. Essential Commodities (Special Provisions) Act, 1981, as Special Judge at Bareilly against the special court created for trying cases under the said Act.

No. 1468/Admin. (Services)/2024—Km. Afshan, Special Judge/Additional District & Sessions Judge, Bareilly to be Additional District & Sessions Judge/Special Judge, Bareilly for trying cases U/s 14 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Act no. 33 of 1989) in the exclusive special court.

No. 1469/Admin. (Services)/2024—Sri Khushter Danish, Additional District & Sessions Judge, Bijnor to be Additional District & Sessions Judge (Fast Track Court), Bijnor for trying cases of crime against women vice Km. Alka Chaudhary.

No. 1470/Admin. (Services)/2024—Km. Alka Chaudhary, Additional District & Sessions Judge (Fast Track Court), Bijnor to be Additional District & Sessions Judge (Fast Track Court), Bijnor against the Fast Track Court created under the scheme of 14th Finance Commission vice Sri Shrey Shukla.

No. 1471/Admin. (Services)/2024—Sri Shrey Shukla, Additional District & Sessions Judge (Fast Track Court), Bijnor to be Additional District & Sessions Judge, Bijnor.

No. 1472/Admin. (Services)/2024—Sri Saurabh Saxena, Additional District & Sessions Judge, Budaun to be Additional District & Sessions Judge (Fast Track Court), Budaun for trying cases of crime against women vice Smt. Mirza Zeenat.

No. 1473/Admin. (Services)/2024—Smt. Mirza Zeenat, Additional District & Sessions Judge (Fast Track Court), Budaun to be Additional District & Sessions Judge (Fast Track Court), Budaun against the Fast Track Court created under the scheme of 14th Finance Commission vice Smt. Shiv Kumari.

No. 1474/Admin. (Services)/2024—Smt. Shiv Kumari, Additional District & Sessions Judge (Fast Track Court), Budaun to be Additional District & Sessions Judge, Budaun.

No. 1475/Admin. (Services)/2024—Sri Shahzad Ali, Additional District & Sessions Judge (Fast Track Court). Bulandshahar to be Additional District & Sessions Judge, Bulandshahar.

No. 1476/Admin. (Services)/2024—Sri Anurag Sharma, Additional District & Sessions Judge, Chandauli to be Additional District & Sessions Judge/Special Judge, Chandauli in the exclusive Court for trying cases covered under the Protection of Children from Sexual Offences (POCSO) Act, 2012 vice Sri Vikas Verma-I.

No. 1477/Admin. (Services)/2024—Sri Vikas Verma-I, Special Judge/Additional District & Sessions Judge, Chandauli to be Additional District & Sessions Judge, Chandauli.

No. 1478/Admin. (Services)/2024—Smt. Neelu Mainwal, Additional District & Sessions Judge (Fast Track Court), Chitrakoot to be Additional District & Sessions Judge, Chitrakoot.

No. 1479/Admin. (Services)/2024—Km. Rashmi Rani, Additional District & Sessions Judge, Ghaziabad to be Additional District & Sessions Judge (Fast Track Court), Ghaziabad

for trying cases of crime against women vice Sri Kumar Mitakshar.

No. 1480/Admin. (Services)/2024—Sri Kumar Mitakshar, Additional District & Sessions Judge (Fast Track Court), Ghaziabad to be Additional District & Sessions Judge, Ghaziabad.

No. 1481/Admin. (Services)/2024—Sri Surya Prakash Singh, Additional District & Sessions Judge, Gonda to be Additional District & Sessions Judge (Fast Track Court), Gonda for trying cases of crime against women.

No. 1482/Admin. (Services)/2024—Smt. Namrata Agrawal, Additional District & Sessions Judge (Fast Track Court), Gonda to be Additional District & Sessions Judge (Fast Track Court), Gonda against the st Track Court created under the scheme of 14th Finance Commission vice Sri Danish Hasnain.

No. 1483/Admin. (Services)/2024—Sri Danish Hasnain, Additional District & Sessions Judge (Fast Track Court), Gonda to be Additional District & Sessions Judge, Gonda.

No. 1484/Admin. (Services)/2024—Sri Manoj Kumar, Additional District & Sessions Judge, Gorakhpur to be Additional District & Sessions Judge (Fast Track Court), Gorakhpur for trying cases of crime against women vice Sri Sudesh Kumar.

No. 1485/Admin. (Services)/2024—Sri Sudesh Kumar, Additional District & Sessions Judge (Fast Track Court), Gorakhpur to be Additional District & Sessions Judge (Fast Track Court), Gorakhpur inst the Fast Track Court created under the scheme of 14th Finance Commission vice Sri Vikash Singh.

No. 1486/Admin. (Services)/2024—Sri Vikash Singh, Additional District & Sessions Judge (Fast Track Court), Gorakhpur to be Additional District & Sessions Judge, Gorakhpur.

No. 1487/Admin. (Services)/2024—Sri Sunil Kumar Singh-III, Additional District & Sessions Judge, Hardoi to be Additional District & Sessions Judge (Fast Track Court), Hardoi for trying cases of crime against women vice Sri Yashpal.

No. 1488/Admin. (Services)/2024—Sri Yashpal, Additional District & Sessions Judge (Fast Track Court), Hardoi to be Additional District & Sessions Judge (Fast Track Court), Hardoi against the Fast Track Court created under the scheme of 14th Finance Commission vice Sri Bhupendra Pratap.

No. 1489/Admin. (Services)/2024—Sri Bhupendra Pratap, Additional District & Sessions Judge (Fast Track Court). Hardoi to be Additional District & Sessions Judge, Hardoi.

No. 1490/Admin. (Services)/2024—Smt. Madhvi Singh, Additional District & Sessions Judge, Hathras to be Additional District & Sessions Judge (Fast Track Court), Hathras for trying cases of crime against women vice Sri Mahendra Kumar Rawat.

No. 1491/Admin. (Services)/2024—Sri Mahendra Kumar -Rawat, Additional District & Sessions Judge (Fast Track Court), Hathras to be Additional District & Sessions Judge (Fast Track Court), Hathras against the Fast Track Court created under the scheme of 14th Finance Commission vice Sri Prashant Kumar-II.

No. 1492/Admin. (Services)/2024—Sri Prashant Kumar-II, Additional District &

Sessions Judge (Fast Track Court), Hathras to be Additional District & Sessions Judge, Hathras.

No. 1493/Admin. (Services)/2024—Sri Rajeev Saran, Additional District & Sessions Judge (Fast Track Court), Jalaun at Orail to be Additional District & Sessions Judge, Jalaun at Orail.

No. 1494/Admin. (Services)/2024—Sri Surendra Pratap Yadav, Additional District & Sessions Judge, Jaunpur to be Additional District & Sessions Judge (Fast Track Court), Jaunpur for trying cases of crime against women vice Smt. Aparna Dev.

No. 1495/Admin. (Services)/2024—Smt. Aparna Dev, Additional District & Sessions Judge (Fast Track Court), Jaunpur to be Additional District & Sessions Judge (Fast Track Court), Jaunpur against the Fast Track Court created under the scheme of 14th Finance Commission vice Sri Prashant Kumar Singh-I.

No. 1496/Admin. (Services)/2024—Sri Prashant Kumar Singh-I, Additional District & Sessions Judge (Fast Track Court), Jaunpur to be Additional District & Sessions Judge, Jaunpur.

No. 1497/Admin. (Services)/2024—Sri Jitendra Yadav, Additional District & Sessions Judge, Jhansi to be Additional District & Sessions Judge (Fast Track Court), Jhansi for trying cases of crime against women vice Sri Kanishka Singh.

No. 1498/Admin. (Services)/2024—Sri Kanishka Singh, Additional District & Sessions Judge (Fast Track Court), Jhansi to be Additional District & Sessions Judge (Fast Track Court), Jhansi against the Fast Track

Court created under the scheme of 14th Finance Commission vice Sri Sharad Kumar Chaudhary.

No. 1499/Admin. (Services)/2024—Sri Sharad Kumar Chaudhary, Additional District & Sessions Judge (Fast Track Court), Jhansi to be Additional District & Sessions Judge, Jhansi.

No. 1500/Admin. (Services)/2024—Sri Ghanendra Kumar, Additional District & Sessions Judge, Kasganj to be Additional District & Sessions Judge (Fast Track Court), Kasganj for trying cases of crime against women vice Sri Mohammad Arif.

No. 1501/Admin. (Services)/2024—Sri Mohammad Arif, Additional District & Sessions Judge (Fast Track Court), Kasganj to be Additional District & Sessions Judge (Fast Track Court), Kasganj against the Fast Track Court created under the scheme of 14th Finance Commission vice Sri Vijay Kumar-III.

No. 1502/Admin. (Services)/2024—Sri Vijay Kumar-III, Additional District & Sessions Judge (Fast Track Court), Kasganj to be Additional District & Sessions Judge, Kasganj.

No. 1503/Admin. (Services)/2024—Sri Vishnu Deo Singh, Additional District & Sessions Judge, Kaushambi to be Additional District & Sessions Judge (Fast Track Court), Kaushambi for trying cases of crime against women vice Smt. Abha Pal.

No. 1504/Admin. (Services)/2024—Smt. Abha Pal, Additional District & Sessions Judge (Fast Track Court), Kaushambi to be Additional District & Sessions Judge (Fast Track Court), Kaushambi against the Fast Track Court created under the scheme of 14th Finance Commission vice Smt. Purnima Pranjali.

No. 1505/Admin. (Services)/2024—Smt. Purnima Pranjali, Additional District & Sessions Judge (Fast Track Court), Kaushambi to be Additional District & Sessions Judge, Kaushambi.

No. 1506/Admin. (Services)/2024—Sri Yashwant Kumar Saroj, Additional District & Sessions Judge (Fast Track Court), Lalitpur to be Additional District & Sessions Judge, Lalitpur.

No. 1507/Admin. (Services)/2024—Smt. Jyotsna Siwach, Additional District & Sessions Judge, Lucknow to be Additional District & Sessions Judge (Fast Track Court), Lucknow against the Fast Track Court created under the scheme of 14th Finance Commission vice Smt. Meenakshi Sonkar.

No. 1508/Admin. (Services)/2024—Smt. Meenakshi Sonkar, Additional District & Sessions Judge (Fast Track Court), Lucknow to be Additional District & Sessions Judge, Lucknow.

No. 1509/Admin. (Services)/2024—Sri Phool Chandra Kushwaha, Additional District & Sessions Judge, Maharajganj to be Additional District & Sessions Judge (Fast Track Court), Maharajganj for trying cases of crime against women vice Sri Abhay Pratap Singh-II.

No. 1510/Admin. (Services)/2024—Sri Abhay Pratap Singh-II, Additional District & Sessions Judge (Fast Track Court), Maharajganj to be Additional District & Sessions Judge (Fast Track Court) Maharajganj against the Fast Track Court created under the scheme of 14th Finance Commission vice Sri Manoj Kumar Jatav.

No. 1511/Admin. (Services)/2024—Sri Manoj Kumar Jatav, Additional District & Sessions Judge (Fast Track Court), Maharajganj to be Additional District & Sessions Judge, Maharajganj.

No. 1512/Admin. (Services)/2024—Smt. Sarvottama Nagesh Sharma, Additional District & Sessions Judge (Fast Track Court), Mahoba to be Additional District & Sessions Judge (Fast Track Court), Mahoba for trying cases of crime against women vice Sri Tendra Pal.

No. 1513/Admin. (Services)/2024—Sri Tendra Pal, Additional District & Sessions Judge (Fast Track Court), Mahoba to be Additional District & Sessions Judge, Mahoba.

No. 1514/Admin. (Services)/2024—Sri Kuldeep Singh-III, Additional District & Sessions Judge, Mainpuri to be Additional District & Sessions Judge (Fast Track Court), Mainpuri for trying cases of crime against women vice Sri Bhoola Ram.

No. 1515/Admin. (Services)/2024—“Sri Bhoola Ram, Additional District & Sessions Judge (Fast Track Court), Mainpuri to be Additional District & Sessions Judge (Fast Track Court), Mainpuri ainst the Fast Track Court created under the scheme of 14th Finance Commission vice Sri Kamal Singh.

No. 1516/Admin. (Services)/2024—Sri Kamal Singh, Additional District & Sessions Judge (Fast Track Court), Mainpuri to be Additional District & Sessions Judge, Mainpuri.

No. 1517/Admin. (Services)/2024—Sri Chandragupt Yadav, Additional District & Sessions Judge, Mirzapur to be Additional District & Sessions Judge/Special Judge, Mirzapur vice Sri Vinay Arya. He is also appointed U/s 12-A of U.P. Essential

Commodities (Special Provisions) Act, 1981, as Special Judge at Mirzapur against the special court created for trying cases under the said Act.

No. 1518/Admin. (Services)/2024—Sri Vinay Arya, Special Judge/Additional District & Sessions Judge, Mirzapur to be Additional District & Sessions Judge, Mirzaput.

No. 1519/Admin. (Services)/2024—Sri Ajay Kumar-I, Additional District & Sessions Judge, Pratapgarh to be Additional District & Sessions Judge (Fast Track Court), Pratapgarh for trying cases of crime against women vice Smt. Sunita Singh Nagore.

No. 1520/Admin. (Services)/2024—Smt. Sunita Singh Nagore, Additional District & Sessions Judge (Fast Track Court), Pratapgarh to be Additional District & Sessions Judge (Fast Track Court), Pratapgarh against the Fast Track Court created under the scheme of 14th Finance Commission vice Sri Sumit Panwar.

No. 1521/Admin. (Services)/2024—Sri Sumit Panwar, Additional District & Sessions Judge (Fast Track Court), Pratapgarh to be Additional District & Sessions Judge, Pratapgarh.

No. 1522/Admin. (Services)/2024—Smt. Seema Singh-I, Additional District & Sessions Judge, Prayagraj to be Additional District & Sessions Judge (Fast Track Court), Prayagraj for trying cases of crime against women vice Sri Bishnu Kumar Mishra.

No. 1523/Admin. (Services)/2024—Sri Bishnu Kumar Mishra, Additional District & Sessions Judge (Fast Track Court), Prayagraj to be Additional District & Sessions Judge (Fast Track Court), Prayagraj against the Fast Track Court created under the scheme of 14th Finance Commission vice Sri Dinesh Kumar Gautam.

No. 1524/Admin. (Services)/2024—Sri Dinesh Kumar Gautam, Additional District & Sessions Judge (Fast Track Court), Prayagraj to be Additional District & Sessions Judge, Prayagraj.

No. 1525/Admin. (Services)/2024—Sri Vidya Bhushan Pandey, Additional District & Sessions Judge, Raebareli to be Additional District & Sessions Judge (Fast Track Court), Raebareli for trying cases of crime against women.

No. 1526/Admin. (Services)/2024—Sri Vimal Tripathi, Additional District & Sessions Judge (Fast Track Court), Raebareli to be Additional District & Sessions Judge (Fast Track Court), Raebareli against the Fast Track Court created under the scheme of 14th Finance Commission vice Sri Anupam Shaury.

No. 1527/Admin. (Services)/2024—Sri Anupam Shaury, Additional District & Sessions Judge (Fast Track Court), Raebareli to be Additional District & Sessions Judge, Raebareli.

No. 1528/Admin. (Services)/2024—Sri Kailash Kumar, Additional District & Sessions Judge, Rampur to be Additional District & Sessions Judge (Fast Track Court), Rampur against the Fast Track Court created under the scheme of 14th Finance Commission vice Sri Kuldeep Singh-I.

No. 1529/Admin. (Services)/2024—Sri Kuldeep Singh-I, Additional District & Sessions Judge (Fast Track Court), Rampur to be Additional District & Sessions Judge, Rampur.

No. 1530/Admin. (Services)/2024—Sri Vikas, Additional District & Sessions Judge, Saharanpur to be Additional District & Sessions

Judge (Fast Track Court), Saharanpur for trying cases of crime against women vice Sri Kamal Deep.

No. 1531/Admin. (Services)/2024—Sri Kamal Deep, Additional District & Sessions Judge (Fast Track Court), Saharanpur to be Additional District & Sessions Judge (Fast Track Court), Saharanpur against the Fast Track Court created under the scheme of 14th Finance Commission vice Sri Prabodh Kumar Verma.

No. 1532/Admin. (Services)/2024—Sri Prabodh Kumar Verma, Additional District & Sessions Judge (Fast Track Court), Saharanpur to be Additional District & Sessions Judge, Saharanpur.

No. 1533/Admin. (Services)/2024—Sri Manoj Kumar Tiwari, Additional District & Sessions Judge (Fast Track Court), Siddharth Nagar to be Additional District & Sessions Judge, Siddharth Nagar.

No. 1534/Admin. (Services)/2024—Sri Awanish Kumar-I, Additional District & Sessions Judge, Sitapur to be Additional District & Sessions Judge (Fast Track Court), Sitapur for trying cases of crime against women vice Sri Narendra Nath Tripathi.

No. 1535/Admin. (Services)/2024—Sri Narendra Nath Tripathi, Additional District & Sessions Judge (Fast Track Court), Sitapur to be Additional District & Sessions Judge, Sitapur.

No. 1536/Admin. (Services)/2024—Sri Shailendra Yadav, Additional District & Sessions Judge (Fast Track Court), Sonbhadra to be Additional District & Sessions Judge, Sonbhadra.

No. 1537/Admin. (Services)/2024–Sri Vijay Kumar Gupta-II, Additional District & Sessions Judge (Fast Track Court), Sultanpur to be Additional District & Sessions Judge, Sultanpur.

No. 1538/Admin. (Services)/2024– Pursuant to U.P. Government Notification No./2024/372/VII-Nyay-2- 2024-216G/2007 T.C.-II dated 02.05.2024, Sri Siddi Jai Prakash, Additional Civil Judge Junior Division, Deoria is appointed/posted as Nyayadhikari, Gram Nyayalaya at tehsil Bhatpar Rani iff District Deoria in the newly created court, created vide G.O. No. 25/2015/1462/VII-Nyay-2-2015-216G/2007 dated 24.11.2015.

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No. 1539/Admin. (Services)/2024–Sushri Garima Saxena, Additional Civil Judge (Junior Division), Agra is appointed U/s 11(2) of the Code of Criminal Procedure 1973 (Act No. 2 of 1974) as Judicial Magistrate, First Class, Agra vice Sushri Deeksha Bharti.

No. 1540/Admin. (Services)/2024–Sushri Deeksha Bharti, Judicial Magistrate, First Class, Agra to be Judicial Magistrate, First Class, Agra vice Smt. Akanksha Gupta.

No. 1541/Admin. (Services)/2024–Smt. Akanksha Gupta, Judicial Magistrate, First Class, Agra to be Civil Judge (Junior Division), Fatehabad (Agra) vice Sri Vivek Prajapati.

She is also appointed U/s 11(2) of the Code of Criminal Procedure 1973 (Act No. 2 of 1974) as Judicial Magistrate, First Class for trying cases relating to Economic Offences at Fatehabad (Agra).

No. 1542/Admin. (Services)/2024–Sri Vivek Prajapati, Civil Judge (Junior Division), Fatehabad (Agra) to be Additional Civil Judge (Junior Division), Fatehabad (Agra).

No. 1543/Admin. (Services)/2024–Smt. Nisha Ali, Additional Civil Judge (J.D.), Auraiya is appointed U/s 11(2) of the Code of Criminal Procedure 1973 (Act No. 2 of 1974) as Judicial Magistrate, First Class, Auraiya vice Sushri Shalini Tyagi.

No. 1544/Admin. (Services)/2024–Sushri Shalini Tyagi, Judicial Magistrate, First Class, Auraiya to be Civil Judge (Junior Division), Auraiya vice Sri Praveen Singh.

No. 1545/Admin. (Services)/2024–Sri Praveen Singh, Civil Judge (Junior Division), Auraiya to be Civil Judge (Junior Division), Vidhuna (Auraiya) vice Sri Shamsul Rahman.

No. 1546/Admin. (Services)/2024–Sri Shamsul Rahman, Civil Judge (Junior Division), Vidhuna (Auraiya) to be Additional Civil Judge (Junior Division), Vidhuna (Auraiya).

No. 1547/Admin. (Services)/2024–Sushri Charu Kain; Additional Civil Judge (Junior Division), Banda to be Civil Judge (Junior Division), Baberu (Banda).

No. 1548/Admin. (Services)/2024–Smt. Aroma Raman Picess, Additional Civil Judge (Junior Division), Bareilly is appointed U/s 11(2) of the Code of Criminal Procedure 1973 (Act No. 2 of 1974) as Judicial Magistrate, First Class, Bareilly vice Sushri Rachna Rawat.

No. 1549/Admin. (Services)/2024–Sushri Rachna Rawat, Judicial Magistrate, First Class, Bareilly to be Additional Civil Judge (Junior Division), Bareilly.

No. 1550/Admin. (Services)/2024–Sushri Manjula Mishra, Additional Civil Judge (Junior Division), Bareilly is appointed U/s 11(2) of the Code of Criminal Procedure 1973 (Act No. 2 of 1974) as Judicial Magistrate, First Class, Bareilly vice Sri Pratyush Prakash.

No. 1551/Admin. (Services)/2024–Sri Pratyush Prakash, Judicial Magistrate, First Class, Bareilly to be Civil Judge (Junior Division) (Hawali), Bareilly vice Sri Akash Gupta.

No. 1552/Admin. (Services)/2024–Sri Akash Gupta, Civil Judge (Junior Division) (Hawali), Bareilly to be Civil Judge (Junior Division), Aonla (Bareilly) vice Sushri Vidisha Bhushan.

He is also appointed U/s 11(2) of the Code of Criminal Procedure 1973 (Act No. 2 of 1974) as Judicial Magistrate, First Class for trying cases relating to Economic Offences at Aonla (Bareilly).

No. 1553/Admin. (Services)/2024–Sushri Vidisha Bhushan, Civil Judge (Junior Division), Aonla (Bareilly) to be Additional Civil Judge (Junior Division), Aonla (Bareilly).

No. 1554/Admin. (Services)/2024–Sri Shikhar Agarwal, Additional Civil Judge (Junior Division), Bareilly to be Civil Judge (Junior Division), Faridpur (Bareilly) in the vacant court.

No. 1555/Admin. (Services)/2024–Sushri Rakhi Bhadoria, Additional Civil Judge (Junior Division), Budaun to be Civil Judge (Junior Division), Budaun vice Sri Pankaj Kumar Pandey.

No. 1556/Admin. (Services)/2024–Sri Pankaj Kumar Pandey, Civil Judge (Junior Division), Budaun to be Civil Judge (Junior Division), Bisauli (Budaun) in the vacant court.

He is also appointed U/s 11(2) of the Code of Criminal Procedure 1973 (Act No. 2 of 1974) as Judicial Magistrate, First Class for trying cases relating to Economic Offences at Bisauli (Budaun).

No. 1557/Admin. (Services)/2024–Sushri Pinky Verma, Additional Civil Judge (Junior Division), Budaun is appointed U/s 11(2) of the Code of Criminal Procedure 1973 (Act No. 2 of 1974) as Judicial Magistrate, First Class, Budaun vice Sushri Rohini Upadhyay.

No. 1558/Admin. (Services)/2024–Sushri Rohini Upadhyay, Judicial Magistrate, First Class, Budaun to be Judicial Magistrate, First Class, Budaun vice Smt. Samriddhi Mishra.

No. 1559/Admin. (Services)/2024–Smt. Samriddhi Mishra, Judicial Magistrate, First Class, Budaun to be Civil Judge (Junior Division), Dataganj (Budaun).

No. 1560/Admin. (Services)/2024–Sushri Shivangni Sonkar, Additional Civil Judge (Junior Division), Bulandshahar to be Civil Judge, Junior Division (Fast Track Court), Bulandshahar for trying cases of crime against women vice Sushri Surabhi Verma.

No. 1561/Admin. (Services)/2024—Sushri Surabhi Verma, Civil Judge, Junior Division (Fast Track Court), Bulandshahar to be Civil Judge (Junior Division), Khurja (Bulandshahar) vice Sri Yagyesh Kumar Sonkar.

No. 1562/Admin. (Services)/2024—Sri Yagyesh Kumar Sonkar, Civil Judge (Junior Division), Khurja (Bulandshahar) to be Additional Civil Judge (Junior Division), Khurja (Bulandshahar).

No. 1563/Admin. (Services)/2024—Sri Mayank Singh, Additional Civil Judge. (Junior Division), Bulandshahar to be Civil Judge (Junior Division), Anoopshahar (Bulandshahar) in the vacant court.

No. 1564/Admin. (Services)/2024—Sri S Anand, Additional Civil Judge (Junior Division), Chitrakoot is appointed U/s 11(2) of the Code of Criminal Procedure 1973 (Act No. 2 of 1974) as Judicial Magistrate, First Class, Chitrakoot vice Sushri Anjalika Priyadarshini.

No. 1565/Admin. (Services)/2024—Sushri Anjalika Priyadarshini, Judicial Magistrate, First Class, Chitrakoot to be Judicial Magistrate, First Class, Chitrakoot vice Sushri Shefali Yadav.

No. 1566/Admin. (Services)/2024—Sushri Shefali Yadav, Judicial Magistrate, First Class, Chitrakoot to be Civil Judge (Junior Division), Chitrakoot vice Sri Rajendra Prasad Bharati.

No. 1567/Admin. (Services)/2024—Sri Rajendra Prasad Bharati, Civil Judge (Junior Division), Chitrakoot to be Civil Judge (Junior Division), Mau (Chitrakoot) in the vacant court.

No. 1568/Admin. (Services)/2024—Sri Prashant Kaushik, Additional Civil Judge (Junior Division), Farrukhabad to be Civil Judge

(Junior Division) (Hawali), Farrukhabad vice Sushri Subuk Muskan.

No. 1569/Admin. (Services)/2024—Sushri Subuk Muskan, Civil Judge (Junior Division) (Hawali), Farrukhabad is appointed U/s 11(2) of the Code of Criminal Procedure 1973 (Act No. 2 of 1974) as Judicial Magistrate, First Class, Farrukhabad vice Sushri Mala Kumari.

No. 1570/Admin. (Services)/2024—Sushri Mala Kumari, Judicial Magistrate, First Class, Farrukhabad to be Civil Judge (Junior Division), Kayamganj (Farrukhabad) in the vacant court.

No. 1571/Admin. (Services)/2024—Smt. Nandini Agnihotri, Additional Civil Judge (Junior Division), Gorakhpur is appointed U/s 11(2) of the Code of Criminal Procedure 1973 (Act No. 2 of 1974) as Judicial Magistrate, First Class, Gorakhpur vice Smt. Jyoti Verma.

No. 1572/Admin. (Services)/2024—Smt. Jyoti Verma, Judicial Magistrate, First Class, Gorakhpur to be Additional Civil Judge (Junior Division), Gorakhpur.

No. 1573/Admin. (Services)/2024—Sushri Diksha Tyagi, Additional Civil Judge (Junior Division), Gorakhpur is appointed U/s 11(2) of the Code of Criminal Procedure 1973 (Act No. 2 of 1974) as Judicial Magistrate, First Class, Gorakhpur vice Sushri Aayushi Pandey.

No. 1574/Admin. (Services)/2024—Sushri Aayushi Pandey, Judicial Magistrate, First Class, Gorakhpur to be Additional Civil Judge (Junior Division), Gorakhpur.

No. 1575/Admin. (Services)/2024—Smt. Sumbul Irshad, Additional Civil Judge (Junior Division), Gorakhpur to be Civil Judge (Junior Division), Bansgaon (Gorakhpur) in the vacant court.

She is also appointed U/s 11(2) of the Code of Criminal Procedure 1973 (Act No. 2 of 1974) as Judicial Magistrate, First Class for trying cases relating to Economic Offences at Bansgaon (Gorakhpur).

No. 1576/Admin. (Services)/2024—Sri Ashutosh Verma, Additional Civil Judge (Junior Division), Gorakhpur to be Additional Civil Judge (Junior Division), Bansgaon (Gorakhpur).

No. 1577/Admin. (Services)/2024—Smt. Neha Chaudhary-II, Additional Civil Judge (Junior Division), Hapur to be Civil Judge, Junior Division (Fast Track Court), Hapur for trying cases of crime against women vice Sri Dharmendra Kumar Bharti.

No. 1578/Admin. (Services)/2024—Sri Dharmendra Kumar Bharti, Civil Judge, Junior Division (Fast Track Court), Hapur to be Additional Civil Judge (Junior Division), Garhmukteshwar (Hapur).

No. 1579/Admin. (Services)/2024—Smt. Anchal Chandel, Additional Civil Judge (Junior Division), Hathras to be Civil Judge (Junior Division), Sadabad (Hathras) vice Sushri Mitali Sonkar.

She is also appointed U/s 11(2) of the Code of Criminal Procedure 1973 (Act No. 2 of 1974) as Judicial Magistrate, First Class for trying cases relating to Economic Offences at Sadabad (Hathras).

No. 1580/Admin. (Services)/2024—Sushri Mitali Sonkar, Civil Judge (Junior Division), Sadabad (Hathras) to be Additional Civil Judge (Junior Division), Sadabad (Hathras).

No. 1581/Admin. (Services)/2024—Sushri Nida Zaidi, Additional Civil Judge (Junior Division), Jhansi to be Civil Judge (Junior Division), Garotha (Jhansi) in the vacant court.

She is also appointed U/s 11(2) of the Code of Criminal Procedure 1973 (Act No. 2 of 1974) as Judicial Magistrate, First Class for trying cases relating to Economic Offences at Garotha (Jhansi).

No. 1582/Admin. (Services)/2024—Sushri Aruna Singh, Additional Civil Judge (Junior Division), Jhansi to be Civil Judge (Junior Division), Mauranipur (Jhansi) in the vacant court.

She is also appointed U/s 11(2) of the Code of Criminal Procedure 1973 (Act No. 2 of 1974) as Judicial Magistrate, First Class for trying cases relating to Economic Offences at Mauranipur (Jhansi).

No. 1583/Admin. (Services)/2024—Sushri Nishi Gupta, Additional Civil Judge (Junior Division), Mahoba is appointed U/s 11(2) of the Code of Criminal Procedure 1973 (Act No. 2 of 1974) as Judicial Magistrate, First Class, Mahoba vice Sushri Neelam Katiyar.

No. 1584/Admin. (Services)/2024—Sushri Neelam Katiyar, Judicial Magistrate, First Class, Mahoba to be Civil Judge (Junior Division), Mahoba vice Sri Vijay Shankar Gautam.

No. 1585/Admin. (Services)/2024—Sri Vijay Shankar Gautam, Civil Judge (Junior Division), Mahoba to be Civil Judge (Junior Division), Charkhari (Mahoba) in the vacant court.

No. 1586/Admin. (Services)/2024—Sushri Kamakshi Sagar, Additional Civil Judge (Junior Division), Meerut is appointed U/s 11(2) of the Code of Criminal Procedure 1973 (Act No. 2 of 1974) as Judicial Magistrate, First Class, Meerut vice Sushri Sangya Yaduvanshi.

No. 1587/Admin. (Services)/2024—Sushri Sangya Yaduvanshi, Judicial Magistrate, First Class, Meerut to be Additional Civil Judge (Junior Division), Meerut.

No. 1588/Admin. (Services)/2024—Sri Rajat Shukla, Additional Civil Judge (Junior Division), Meerut to be Civil Judge (Junior Division), Sardhana (Meerut) in the vacant court.

No. 1589/Admin. (Services)/2024—Sushri Sanghmitra, Additional Civil Judge (Junior Division), Mirzapur to be Civil Judge (Junior Division), Chunar (Mirzapur) in the vacant court.

No. 1590/Admin. (Services)/2024—Sri Dushyant Kumar Sharma, Additional Civil Judge (Junior Division), Pilibhit to be Civil Judge, Junior Division (Fast Track Court), Pilibhit for trying cases of crime against women vice Smt. Shefali.

No. 1591/Admin. (Services)/2024—Smt. Shefali, Civil Judge, Junior Division (Fast Track Court), Pilibhit to be Civil Judge, Junior Division (Fast Track Court), Pilibhit against the Fast Track Court created under the scheme of 14th Finance Commission vice Sri Rahul Anand-III.

No. 1592/Admin. (Services)/2024—Sri Rahul Anand-III, Civil Judge, Junior Division (Fast Track Court), Pilibhit to be Civil Judge (Junior Division), Bisalpur (Pilibhit) in the vacant court.

No. 1593/Admin. (Services)/2024—Sri Deepak Kumar, Additional Civil Judge (Junior Division), Ramabai Nagar (Kanpur Dehat) is appointed U/s 11(2) of the Code of Criminal Procedure 1973 (Act No. 2 of 1974) as Judicial Magistrate, First Class, Ramabai Nagar (Kanpur Dehat) vice Sushri Raveena.

No. 1594/Admin. (Services)/2024—Sushri Raveena, Judicial Magistrate, First Class, Ramabai Nagar (Kanpur Dehat) to be Additional Civil Judge (Junior Division), Ramabai Nagar (Kanpur Dehat).

No. 1595/Admin. (Services)/2024—Sri Sunil Gupta, Additional Civil Judge (Junior Division), Ramabai Nagar (Kanpur Dehat) to be Civil Judge (Junior Division), Bhognipur (Ramabai Nagar (Kanpur Dehat)) in the vacant court.

He is also appointed U/s 11(2) of the Code of Criminal Procedure 1973 (Act No. 2 of 1974) as Judicial Magistrate, First Class for trying cases relating to Economic Offences at Bhognipur (Ramabai Nagar (Kanpur Dehat)).

No. 1596/Admin. (Services)/2024—Sushri Avantika Tripathi, Additional Civil Judge (Junior Division), Shahjahanpur is appointed U/s 11(2) of the Code of Criminal Procedure 1973 (Act No. 2 of 1974) as Judicial Magistrate, First Class, Shahjahanpur vice Smt. Anuradha.

No. 1597/Admin. (Services)/2024—Smt. Anuradha, Judicial Magistrate, First Class, Shahjahanpur to be Additional Civil Judge (Junior Division), Shahjahanpur.

No. 1598/Admin. (Services)/2024—Sushri Vartika Patel, Additional Civil Judge (Junior Division), Shahjahanpur is appointed U/s 11(2) of the Code of Criminal Procedure 1973 (Act No. 2 of 1974) as Judicial Magistrate, First Class, Shahjahanpur vice Sri Ambesh Kumar Pandey.

No. 1599/Admin. (Services)/2024—Sri Ambesh Kumar Pandey, Judicial Magistrate, First Class, Shahjahanpur to be Additional Civil Judge (Junior Division), Shahjahanpur.

No. 1600/Admin. (Services)/2024—Smt. Anjita Singh Chauhan, Additional Civil Judge (Junior Division), Shahjahanpur to be Civil Judge (Junior Division), Jalalabad (Shahjahanpur) in the vacant court.

No. 1601/Admin. (Services)/2024—Sushri Akshi Gill, Additional Civil Judge (Junior Division), Sitapur is appointed U/s 11(2) of the Code of Criminal Procedure 1973 (Act No. 2 of 1974) as Judicial Magistrate, First Class, Sitapur vice Smt. Neha Rajan.

No. 1602/Admin. (Services)/2024—Smt. Neha Rajan, Judicial Magistrate, First Class, Sitapur to be Additional Civil Judge (Junior Division), Sitapur.

No. 1603/Admin. (Services)/2024—Sri Aditya Ranjan, Additional Civil Judge (Junior Division), Sitapur is appointed U/s 11(2) of the Code of Criminal Procedure 1973 (Act No. 2 of 1974) as Judicial Magistrate, First Class, Sitapur vice Sri Ranjeet Kumar Jaiswal.

No. 1604/Admin. (Services)/2024—Sri Ranjeet Kumar Jaiswal, Judicial Magistrate, First Class, Sitapur to be Civil Judge, Junior Division, Mahmoodabad (Sitapur) in the vacant court.

He is also appointed U/s 11(2) of the Code of Criminal Procedure 1973 (Act No. 2 of 1974) as Judicial Magistrate, First Class for trying cases relating to Economic Offences at Mahmoodabad (Sitapur).

No. 1605/Admin. (Services)/2024—Smt. Akshita, Additional Civil Judge (Junior Division), Lakhimpur Kheri to be Civil Judge (Junior Division), Mohammadi (Lakhimpur Kheri) vice Sri Deevanshu Saini.

She is also appointed U/s 11(2) of the Code of Criminal Procedure 1973 (Act No. 2 of 1974) as Judicial Magistrate, First Class for trying cases relating to Economic Offences at Mohammadi (Lakhimpur Kheri).

No. 1606/Admin. (Services)/2024—Sri Deevanshu Saini, Civil Judge (Junior Division), Mohammadi (Lakhimpur Kheri) to be Civil Judge (Junior Division), Nighasan (Lakhimpur Kheri) vice Smt. Preeti Yadav.

No. 1607/Admin. (Services)/2024—Smt. Preeti Yadav, Civil Judge (Junior Division), Nighasan (Lakhimpur Kheri) to be Additional Civil Judge (Junior Division), Lakhimpur Kheri.

By order of the Court,
RAJEEV BHARTI,
Registrar General.

शुद्धि-पत्र
कार्यालय, विशेष भूमि अध्याप्ति अधिकारी, सिद्धार्थनगर

क्र० सं०	जनपद/तहसील/ परगना/ग्राम का नाम	दिनांक 19.07.2024 को निर्गत अधिसूचना में अधिसूचित भू-खण्ड संख्या/क्षेत्रफल	राजकीय गजट उ०प्र० में दिनांक 17.08.2024 को प्रकाशित भू-खण्ड संख्या/क्षेत्रफल	राजकीय गजट उ०प्र० में प्रकाशित होना है भू- खण्ड संख्या/क्षेत्रफल
1	2	3	4	5
1	सिद्धार्थनगर/शोहरतगढ़/ नौगढ़/कपसिहवा	55/0.112 हे०	55/0.112 हे०	55/0.112 हे० (भू-खण्ड संख्या-55 क्षेत्रफल 0. 0112 हे० के स्थान पर क्षेत्रफल 0.112 हे० पढ़ा जाये)।

उमा शंकर
विशेष भूमि अध्याप्ति अधिकारी,
कृते जिलाधिकारी
सिद्धार्थनगर



सरकारी गज़ट, उत्तर प्रदेश

उत्तर प्रदेश सरकार द्वारा प्रकाशित

प्रयागराज, शनिवार, 26 अप्रैल, 2025 ई० (वैशाख 06, 1947 शक संवत्)

भाग 3

स्वायत्त शासन विभाग का क्रोड़पत्र, खण्ड ग-निर्वाचन (स्थानीय निकाय) तथा खण्ड घ-जिला पंचायत।

खण्ड-घ

जिला पंचायत, अमरोहा

28 फरवरी, 2024 ई०

सं० 363/इक्कीस-05(2022-23)-एम०ए०-2-उत्तर प्रदेश क्षेत्र पंचायत तथा जिला पंचायत अधिनियम, 1961 की धारा 239(ग) के अन्तर्गत जिला पंचायत अमरोहा, जनपद अमरोहा, के ग्रामीण क्षेत्रान्तर्गत होने वाले भवन निर्माण आदि कार्यों को नियन्त्रित एवं विनियमित करने के उद्देश्य से पूर्व स्वीकृत उपविधि गजट संख्या 411/23 (2020-21) एम०ए०-11 दिनांक 21.07.2021 में संशोधन हेतु जिला पंचायत अमरोहा की बैठक दिनांक 29.01.2024 के प्रस्ताव संख्या- 8 द्वारा निम्नवत् संशोधन की स्वीकृति दी गयी है। शेष उपविधि पूर्ववत् रहेगी। जिसका प्रकाशन विज्ञप्ति संख्या 503/उपविधि/जि०पं०अ०/2024 दिनांक 11.07.2024 द्वारा किया गया है जिसकी पुष्टि आयुक्त, मुरादाबाद मण्डल मुरादाबाद द्वारा कर दी गयी है। इसका प्रकाशन अधिनियम की धारा 242(2) के आधीन प्रकाशित किये जा रहे हैं। जो शासकीय गजट में प्रकाशन की तिथि से लागू होंगे।

प्रचलित उपविधि

यह उपविधि जिला पंचायत अमरोहा के समस्त ग्राम्य क्षेत्र के भवनों को नियन्त्रित एवं विनियमित करने सम्बन्धी उपविधि कहलायेगी।

संशोधित उपविधि

यह उपविधि जिला पंचायत अमरोहा के समस्त ग्राम्य क्षेत्र के भवनों को नियन्त्रित एवं विनियमित करने सम्बन्धी उपविधि कहलायेगी।

क्र० सं०-01 से 24 तक यथावत्।

25-“पार्किंग स्थल” का तात्पर्य ऐसे चारदीवारी में बंद या खुले स्थान से है, जहां पर वाहन इकट्ठे रूप में खड़े हो सकते हैं, परन्तु इसके लिए आवश्यक है, कि उक्त स्थान पर आने-जाने के लिए एक सुगम एवं स्वतंत्र जोड़ने वाला मार्ग बना हो।

प्रचलित उपविधि

संशोधित उपविधि

- 26—आर्किटेक्ट/इंजीनियर जो जिला पंचायत द्वारा अधिकृत लाईसेंसधारी है के द्वारा बनाया नक्शा ही स्वीकार्य होगा तथा उनके द्वारा भवन के सम्बन्ध में इस आशय का प्रमाण पत्र भी आवेदन के साथ संलग्न करना होगा कि भवन पूर्णतः लोक निर्माण विभाग द्वारा निर्धारित अद्यतन विशिष्टियों पर डिजाइन किया गया है तथा अग्नि, भूकंप रोधी समस्त उपचार उसमें किये गये हैं।
- 27—आर्किटेक्ट/इंजीनियर के लाईसेंस की अवधि 01 अप्रैल से 31 मार्च तक की होगी, जिसका रजिस्ट्रेशन शुल्क रू0 6000/- होगा तथा लाईसेंस नवीनीकरण शुल्क रू0 2000/- वार्षिक होगा।
- 28—“ड्रेनेज” का तात्पर्य उस व्यवस्था से है, जिसका निर्माण किसी तरल पदार्थ जैसे रसोई, स्नानगृह, से विसर्जित पानी आदि को हटाने के लिए किया जाता है, इसके अन्तर्गत नाली व पाईप भी सम्मिलित है।
- 29—“तल (Floor Level)” का तात्पर्य किसी मंजिल के उस निचले खंड से है, जहां पर सामान्यतः किसी भवन में चला फिरा जाता हो।
- 30—“फ्लोर एरिया रेशियो (FAR)” का तात्पर्य उस भागफल से है, जो सभी तलों के आच्छादित कुल क्षेत्रफल को भू-खण्ड के क्षेत्रफल से भाग देने से प्राप्त होता है।
- 31—“रेन वाटर हार्वेस्टिंग” का तात्पर्य बरसात के पानी को उपयोग करके विभिन्न तकनीकों से भूगर्भ जल के स्तर को ऊंचा उठाने से है।
- 32—“सेटबैक” का तात्पर्य किसी भवन के चारों तरफ यथा स्थिति या मानक के अनुसार एवं बाउन्ड्री दीवार के बीच छोड़ी गयी खाली जगह अथवा रास्ते से है।
- इन उपविधियों में जिन शब्दों का प्रयोग किया गया है, परन्तु वे उक्त परिभाषाओं में सम्मिलित नहीं हैं, का तात्पर्य वही होगा, जोकि ऐसे शब्दों का National Building Code एवं Bureau of Indian Standards यथा संशोधित माना जाता है। किसी विशेषभाष की स्थिति में अधिनियम के प्रावधान प्रभावी माने जायेंगे।

(ख) प्रार्थना-पत्र, भू-अभिलेख व नक्शे

(ख) प्रार्थना पत्र, भू-अभिलेख व नक्शे

- 4—प्रस्तावित भवन स्थल की दूरी समीपवर्ती राष्ट्रीय/प्रान्तीय/जनपदीय मार्ग का नाम अंकित करते हुए देनी होगी।
- 5—राष्ट्रीय/प्रान्तीय/जनपदीय मार्ग के मध्य से केन्द्र/राज्य सरकार द्वारा निर्धारित की गयी न्यूनतम दूरी प्रस्तावित भवन स्थल के साईट प्लान में अंकित करना तथा मार्ग की माप अंकित कर नक्शा तैयार करना होगा।
- 6—राष्ट्रीय/प्रान्तीय/जनपदीय/अन्य जिला मार्ग की सड़क के किनारे प्रस्तुत मानचित्र की स्वीकृति से पूर्व सम्बन्धित विभाग से अनापत्ति प्रमाण पत्र लिया जाना आवश्यक होगा।
- 7—सम्बन्धित तहसील से भूमि के सम्बन्ध में अनापत्ति प्रमाण पत्र देना होगा।
भू-उपयोग का प्रमाण पत्र देना होगा।
- 9—आवासीय/दुकानों के भवनों को छोड़कर समस्त प्रकार के भवनों (जैसे कारखाने, लघु उद्योग, व्यापारिक प्रतिष्ठान, माल, शिक्षण संस्थान, बारात/उत्सव घर आदि) के मानचित्रों की स्वीकृति से पूर्व अग्निशमन विभाग का अनापत्ति प्रमाण-पत्र प्राप्त करना अनिवार्य होगा।

प्रचलित उपविधि			संशोधित उपविधि					
(घ)	तकनीकी अनुदेश (Technical Instructions)	(घ)	तकनीकी अनुदेश (Technical Instructions)					
1—	(क) एक आवास गृह में 4-5 व्यक्ति प्रति गृह माना (Consider) गया है।	3—	घ— रसोई घर की ऊँचाई 2.75 मीटर, आकार 1.80 मीटर एवं 5.00 वर्गमीटर से कम न होना चाहिए।					
			छ—तीन मंजिल तक के भवन में सीढ़ी की चौड़ाई 1.00 मीटर एवं इससे अधिक ऊंचे भवन में 1.50 मीटर से कम न होनी चाहिये।					
3—(घ)	रसोई घर की ऊँचाई 4.75 मीटर, आकर 1.80 मीटर एवं 5.00 वर्गमीटर से कम न होना चाहिये।	7—	भवन एवं पक्की सड़कों के द्वारा भूखंड के प्रत्येक 300 वर्गमीटर के भू-आच्छादन (Ground Coverage) पर एक रेनवाटर हार्वेस्टिंग सिस्टम होगा। प्रत्येक 1000 वर्गमीटर के भू-आच्छादन (Ground Coverage) पर एक अतिरिक्त रेनवाटर हार्वेस्टिंग स्थापित करना होगा। सभी ले-आउट प्लान एवं ग्रुप हाउसिंग योजनाओं में रेन वाटर हार्वेस्टिंग का प्राविधान किया जायेगा।					
(छ)	तीन मंजिल तक के भवन में सीढ़ी की ऊँचाई 1.00 मीटर एवं इससे अधिक ऊंचे भवन में 1.50 मीटर से कम न होनी चाहिये।	8—	व्यवसायिक एवं औद्योगिक भवन स्थल हेतु पहुँच मार्ग न्यूनतम् 12 मीटर चौड़ा होगा।					
		9—	शैक्षणिक भवन की छत की सीलिंग की ऊँचाई 3.60 मीटर से कम नहीं होनी चाहिए।					
		10—	औद्योगिक भवन की छत की सीलिंग की ऊँचाई 3.60 मीटर से कम नहीं होनी चाहिए। (Factory Act 1948 & Rules therein shall govern such heights, Where applicable)					
		11—	सीवर— 1 हेक्टेयर या उससे अधिक ले-आउट प्लान या ग्रुप हाउसिंग योजनाओं में सीवर एवं STP नियमानुसार प्रस्तावित करना अनिवार्य होगा एवं STP रिपोर्ट जमा करनी होगी। साथ ही पेयजल हेतु over head water tank/under ground water tank का प्राविधान करना होगा।					
		12—	सेटबैक (set back)					
		क्र0 सं0	भूखंड का क्षेत्रफल (वर्ग मीटर)	सामने (Front) मीटर	साईड (Side) मीटर	पीछे (Rear) मीटर	लैंड स्केपिंग (landscaping)	खुला स्थान %तक
		1	150 तक	3.0	0.0	1.5	एक वृक्ष प्रति 100 वर्गमीटर	25
		2	151-300	3.0	0.0	3.0	तदैव	25
		3	301-500	4.5	3.0	3.0	तदैव	25
		4	501-2000	6.0	3.0	3.0	तदैव	25
		5	2001-6000	7.5	4.5	6.0	तदैव	25
		6	6001-12000	9.0	6.0	6.0	तदैव	25
		7	12001-20000	12.0	7.5	7.5	तदैव	50
		8	20001-40000	15.0	9.0	9.0	तदैव	50
		9	40001 से अधिक	16.0	12.0	12.0	तदैव	50
		13—	भवन की कुर्सी उच्चतम बाढ़ तल से कम से कम 45 सेमी ऊँची रखनी होगी।					

प्रचलित उपविधि

संशोधित उपविधि

(छ) अग्नि शमन पद्धति, अग्नि सुरक्षा एवं सर्विसिस

(i)–उपरोक्त भवनों हेतु अग्नि शमन विभाग के सक्षम प्राधिकारी से अनापत्ति प्रमाण-पत्र प्राप्त करने की जिम्मेदारी भवन स्वामी की होगी।

(ii)–उपरोक्त भवनों में उत्तर प्रदेश अग्नि निवारण और अग्नि सुरक्षा अधिनियम (6) 2005 एवं राष्ट्रीय भवन संहिता (National Building Code), 2005 भाग- 4 के अनुसार प्रावधान किया जायेगा जैसे स्वचालित स्प्रिंकलर पद्धति, फर्स्ट एंड होजरील्स, स्वचालित अग्नि संसूचन और चेतावनी पद्धति, सार्वजनिक संबोधन व्यवस्था, निकास मार्ग के संकेत चिन्ह, फायर मैन स्विच युक्त फायर लिफ्ट, वेटराइजर डाउन कॉर्नर सिस्टम आदि।

(छ) अग्नि शमन पद्धति, अग्नि सुरक्षा एवं सर्विसिस

(i) तीन मंजिल अथवा 15 मीटर से अधिक ऊँचे भवनों और विशिष्ट भवन यथा-संस्थागत एवं शैक्षणिक भवन, व्यावसायिक भवन, हॉस्पिटल, नर्सिंग होम, सिनेमा, औद्योगिक भवन, मल्टीप्लेक्स 400 वर्गमीटर से अधिक भू-आच्छादन के भवन में अग्नि निकास हेतु एक जीना बाहर की दीवार पर एवं अग्नि सुरक्षा के अन्य सभी प्रावधान करने होंगे। भवन के चारों तरफ बाउन्ड्री दीवार के साथ-साथ 6 मीटर चौड़ा मार्ग का प्रावधान करना होगा। जिसमें दमकलो के चालन हेतु कम से कम 4 मीटर चौड़ाई का परिवहन मार्ग (Carriage Way) होगा।

(ii) अग्नि निकास जीने की न्यूनतम चौड़ाई 1.2 मीटर, ट्रेड की न्यूनतम चौड़ाई 28 सेमी0, राईजर अधिकतम 19 सेमी0, एक फ्लाइंट में अधिकतम राईजरों की संख्या 16 तक सीमित होगी।

(iii) अग्नि निकास जीने तक पहुँच दूरी 15 मीटर से अधिक न होनी चाहिए।

(iv) घुमावदार अग्नि निकास जीने का प्रावधान 10 मीटर से अधिक ऊँचे भवनों में नहीं किया जाएगा।

(v) उपरोक्त भवनों हेतु अग्नि शमन विभाग के सक्षम प्राधिकारी से अनापत्ति प्रमाण पत्र प्राप्त करने की जिम्मेदारी भवन स्वामी की होगी।

(vi) उपरोक्त भवनों में उत्तर प्रदेश अग्नि निवारण और अग्नि सुरक्षा अधिनियम (6) 2005 एवं राष्ट्रीय भवन संहिता (National Building Code) 2005 भाग-4 के अनुसार प्रावधान किया जाएगा जैसे स्वचालित स्प्रिंकलर पद्धति, फर्स्ट एंड होजरील्स, स्वचालित अग्नि संसूचन और चेतावनी पद्धति, सार्वजनिक संबोधन व्यवस्था, निकास मार्ग के संकेत चिन्ह, फायरमैन स्विच युक्त फायर लिफ्ट, वेटराइजर डाउन कॉर्नर सिस्टम आदि।

(झ) नक्शे स्वीकृति की दरें

(क) आवासीय भवन एवं शैक्षणिक भवन—

सभी तलों पर फर्श से ढके भाग पर रू0 25.00 प्रति वर्गमीटर।

(ख) व्यावसायिक एवं व्यापारिक भवन सूची—

सभी तलों पर फर्श से ढके भाग पर रू0 50.00 प्रति प्रतिवर्ग मीटर।

(झ) नक्शे स्वीकृति की दरें

(क) (i) आवासीय भवन—

सभी तलों पर फर्श से ढके भाग पर रू0 25.00 प्रतिवर्ग मीटर।

(ii) शैक्षणिक भवन—

सभी तलों पर फर्श से ढके भाग पर रू0 50.00 प्रतिवर्ग मीटर।

(ख) व्यावसायिक एवं व्यापारिक भवन—

सभी तलों पर फर्श से ढके भाग पर रू0 100.00 प्रतिवर्ग मीटर।

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- (ग) [i] भूमि की प्लाटिंग-भूमि को योजनाबद्ध तरीके से विभिन्न आकार के प्लॉटों में बांटना।
- [ii] भूमि विकास-भूमि पर योजनाबद्ध तरीके से पार्क, उद्यान बनाना, फार्म हाउस विकसित करना, नर्सरी लगाना, शादी बैंकट हाल आदि।
- [iii] भूमि का उपभोग-भूमि का विभिन्न प्रकार के सामानों के भण्डारण हेतु प्रयोग करना जैसे निर्माण सामग्री, कन्टेनर, ईंधन आर0सी0सी0 पाईप आदि।
- [iv] किसी परियोजना का ले-आउट प्लान (तलपट मानचित्र)
- उपरोक्त ग (i) से (iv) तक यह दर रू0 10.00 प्रति वर्गमीटर होगी।
- (ज) उपविधियों के अनुसार जिला पंचायत से नक्शों की स्वीकृति के बिना निर्माण करने, किसी भूमि पर व्यवसाय करने, स्वीकृत नक्शे से इतर निर्माण करने, अथवा जिला पंचायत भवन उपविधि की किसी धारा या उपधारा का उल्लंघन करने पर अर्थदण्ड के रूप में समझौता शुल्क (Compounding Fees) रोपित किया जायेगा। समझौता शुल्क (Compounding Fees) प्रस्तावित भवन अथवा ले-आउट प्लान (तलपट मानचित्र) पर परिस्थिति अनुसार कुल शुल्क की गणना का कम से कम 20% से अधिकतम 50% अतिरिक्त होगा। समझौता शुल्क (Compounding Fees) विभाग में जमा होने के उपरान्त पूर्व में निर्मित भवन के नक्शों की स्वीकृति प्रदान की जा सकती है। समझौते की कार्यवाही अधिनियम की धारा 248 में दी गई व्यवस्था से नियन्त्रित होगी।

- (ग) (i) भूमि की प्लाटिंग-प्रस्तावित स्थल तक सड़क पहुँच मार्ग न्यूनतम 12 मीटर चौड़ा भूमि को योजनाबद्ध तरीके से विभिन्न आकार के प्लॉटों में बाँटने हेतु मार्ग की चौड़ाई न्यूनतम 9.00 मीटर मान्य होगी। पार्क एवं खुले स्थान हेतु ले-आउट प्लान के कुल क्षेत्रफल का न्यूनतम 15 प्रतिशत भूमि आरक्षित की जायेगी तथा न्यूनतम क्षेत्रफल 200 वर्ग मीटर होगा।

200 मीटर तक लम्बे मार्ग की न्यूनतम चौड़ाई 9 मीटर होगी, 201 से 400 मीटर तक 12 मीटर, 401 से 600 मीटर तक 18 मीटर, 601 से 1000 मीटर तक 24 मीटर, 1001 से अधिक 30 मीटर। भूमि की प्लाटिंग हेतु दर 25 रू0 प्रति वर्गमीटर होगी किन्तु उक्त प्लाटिंग में व्यवसायिक भू-खण्ड हेतु दर 100 रू0 प्रति वर्गमीटर होगी।

नोट:-पार्क/खुले स्थल से सटी हुई सर्विस रोड तथा ऐसी सड़क जिसके केवल एक ओर ही भू-खण्ड प्रस्तावित हों कि चौड़ाई 7.50 मीटर रखी जा सकती है, जिसकी अधिकतम लम्बाई 200 मीटर होगी।

(ii) यथावत्।

(iii) यथावत्।

(iv) यथावत्।

उपरोक्त ग (ii) से (iv) तक यह दर रू0 25.00 प्रति वर्ग मीटर होगी।

- (ज) मानचित्र स्वीकृति होने के उपरान्त आवेदक द्वारा स्वीकृत मानचित्र व शर्तों के विपरीत निर्माणधीन कार्य जिला पंचायत के अधिकारी या कर्मचारी को निरीक्षण में होना पाया जाता है तो जिला पंचायत को स्वीकृति निरस्त करने का अधिकार होगा तथा अवैध निर्माण को तोड़ने का अधिकार भी होगा। उपविधियों के अनुसार जिला पंचायत से नक्शों की स्वीकृति के बिना निर्माण करने, किसी भूमि पर व्यवसाय करने, जिला पंचायत भवन उपविधि की किसी धारा या उपधारा का उल्लंघन करने पर अर्थदण्ड के रूप में समझौता शुल्क (Compounding Fees) रोपित किया जायेगा। समझौता शुल्क (Compounding Fees) प्रस्तावित भवन अथवा ले-आउट प्लान (तलपट मानचित्र) पर परिस्थिति अनुसार कुल शुल्क की गणना का कम से कम 20% से अधिकतम 50% अतिरिक्त होगा। समझौता शुल्क (Compounding Fees) विभाग में जमा होने के उपरान्त पूर्व में निर्मित भवन के नक्शों की स्वीकृति प्रदान की जा सकती है। समझौते की कार्यवाही अधिनियम की धारा 248 में दी गई व्यवस्था से नियन्त्रित होगी।

प्रचलित उपविधि

संशोधित उपविधि

(क्ष) बाउन्ड्रीवाल स्वीकृति की दरें रू0 10.00 प्रतिमीटर होगी।

नोट— शुल्क निर्धारण हेतु भवन के सभी तलों पर फर्श के कुल क्षेत्रफल की गणना करनी होगी।

(ज) (1) पूर्णता प्रमाणपत्र (Completion Certificate) हेतु आवेदक द्वारा प्रार्थना पत्र के साथ पंजीकृत वास्तुविद/इन्जीनियर का पूर्णता प्रमाण पत्र संलग्न करना होगा जिसमें भवन जिस प्रयोजन हेतु निर्मित किया गया है उस हेतु उपयुक्त है। इसकी गुणवत्ता उच्च श्रेणी की है व स्ट्रक्चर के आधार पर सुरक्षित है, का उल्लेख किया जायेगा।

(2) पूर्णता प्रमाणपत्र (Completion Certificate) जारी करने की दरें 10 रुपये प्रतिवर्ग मीटर होंगी। ये दरें सभी तलों के कुल आच्छादित क्षेत्रफल पर लागू होंगी तथा अन्य सम्बन्धित विभागों से भी अनापत्ति/पूर्णता प्रमाण पत्र आवेदन पत्र के साथ उपलब्ध कराना होगा।

(ज) बाउन्ड्रीवाल स्वीकृति की दरें रू0 20.00 प्रतिमीटर होगी।

(क्ष) निरस्त।

नोट :- शुल्क निर्धारण हेतु, भवन के सभी तलों पर फर्श के कुल क्षेत्रफल की गणना करनी होगी।

(ह0) अस्पष्ट,

आयुक्त,

मुरादाबाद मण्डल, मुरादाबाद।

जिला पंचायत, सिद्धार्थनगर

शुद्धि पत्र

राजपत्र दिनांक 23 मार्च, 2025 के भाग-03 में कार्यालय जिला पंचायत, सिद्धार्थनगर की दुकान आवंटन किराया सम्बन्धी उपविधि 2024 अधिसूचना सं0 921/तेईस-03 (2024-25), दिनांक 07 मार्च, 2025 का प्रकाशन हुआ है। जिसमें प्रस्ताव सं0 07 की जगह प्रस्ताव सं0 05 मुद्रित हो गया है, जो त्रुटिपूर्ण है। जिसके स्थान पर प्रस्ताव सं0 07 पढ़ा व समझा जाये।

(ह0) अस्पष्ट,

अपर मुख्य अधिकारी,

जिला पंचायत, सिद्धार्थनगर।



सरकारी गज़ट, उत्तर प्रदेश

उत्तर प्रदेश सरकार द्वारा प्रकाशित

प्रयागराज, शनिवार, 26 अप्रैल, 2025 ई० (वैशाख 06, 1947 शक संवत्)

भाग 7-ख

इलेक्शन कमीशन ऑफ इंडिया की अनुविहित तथा अन्य निर्वाचन सम्बन्धी विज्ञप्तियां

भारत निर्वाचन आयोग

नई दिल्ली, तारीख 19 जनवरी, 2024 ई०
29 पौष, 1945 (शक)

अधिसूचना

सं० 82/उ०प्र०-वि०स०/८/2017-लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 116 ग की उप धारा (2) के खण्ड (ख) के अनुसरण में, निर्वाचन आयोग 2017 की निर्वाचन याचिका संख्या 8 में इलाहाबाद उच्च न्यायालय, इलाहाबाद के दिनांक 16 दिसम्बर, 2019 के निर्णय के विरुद्ध दाखिल की गई 2020 की सिविल अपील संख्या 104 में दिनांक 7 नवम्बर, 2022 को दिए गए भारत के उच्चतम न्यायालय के निर्णय को एतद्वारा प्रकाशित करता है।

आदेश से,
पवन दीवान,
सचिव,
भारत निर्वाचन आयोग।

आज्ञा से,
नवदीप रिणवा,
प्रमुख सचिव।

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO(s). 104 OF 2020

MOHD. ABDULLAH AZAM KHAN**.... APPELLANT(S)****VERSUS****NAWAB KAZIM ALI KHAN****.... RESPONDENT(S)****JUDGMENT****Rastogi, J.**

1. Instant appeal has been filed under Section 116A of the Representation of People Act, 1951 assailing the judgment and order dated 16th December, 2019 passed by the High Court of Judicature at Allahabad, holding the election of the returned candidate (appellant) from 34, Suar Assembly Constituency of District Rampur, as void and consequently came to be set aside.

Factual Background of the case

2. The notification under the Representation of the People Act, 1951 (hereinafter referred to as “the Act 1951”) was notified for holding election of U.P. State Legislative Assembly from 34, Suar, District Rampur constituency. Public notice was issued by the Returning Officer fixing the election programme for holding election for the afore-stated constituency. According to the schedule of programme, the appellant and the first respondent along with others filed their nomination papers. The scrutiny of the nomination took place on 28th January, 2017.

3. After scrutiny and withdrawal of nomination papers, the appellant and six others including the election petitioner were the candidates who remained in the field for election. It may be noted that before the Returning Officer, the respondent (election petitioner) filed an objection against the appellant alleging that he is less than 25 years of age and, therefore, is not qualified to contest the election in view of Article 173(b) of the Constitution. The objection was overruled by the Returning Officer and accordingly the election took place as per the schedule, in which the appellant and the respondent (election petitioner) contested along with others. The result of the election was declared on 11th March, 2017 in which the appellant secured highest votes and was declared elected.

4. The respondent filed the election petition before the High Court of Judicature at Allahabad on the solitary ground that the appellant was not qualified to contest the election for member of Legislative Assembly in view of Article 173(b) of the Constitution as he was less than 25 years of age when he filed his nomination papers and also on the day on which he contested the election from 34, Suar Assembly Constituency of District Rampur.

5. In the election petition, the respondent (election petitioner), inter alia, contended that objection as regards the age of the appellant was raised by him in the first instance before the Returning Officer, but the same was rejected without appreciating the bare documentary evidence on record and despite the date of birth of the appellant being 1st January, 1993, which was recorded throughout in his academic records, including his Secondary School Examination Certificate in 2007 from the Central Board of Secondary Education and Intermediate Examination in 2009 from St. Paul’s School, Rampur affiliated to Central Board of Secondary Education, Delhi, the Returning Officer failed to consider the same and arbitrarily overruled the objection raised by him.

6. In the election petition, the following objections were raised and for better appreciation the same are reproduced as under:

- (i) That the appellant was born on 01.01.1993 and, therefore, as on the date of the nomination of scrutiny, the appellant (Mohd. Abdullah Azam Khan) was below 25 years of age.
- (ii) That the appellant (Mohd. Abdullah Azam Khan) appeared in Secondary School (Class – X) Examination in the year 2007. When he appeared for Secondary School examination, his roll number was 5260139. He appeared from St. Paul’s School, Rampur, which was affiliated with the Central Board of Secondary Education, New Delhi.
- (iii) That the appellant (Mohd. Abdullah Azam Khan) himself filled-up the admission form and examination form, and in his own handwriting, mentioned his date of birth as 01.01.1993. The record of the appearance and examination of the appellant (Mohd. Abdullah Azam Khan) are available with the Central Board of Secondary Education, New Delhi.
- (iv) That the Central Board for Secondary Education has issued the Secondary School Examination (Class-X) result bearing the roll number, name, mother’s name and father’s name and date of birth of the appellant (Mohd. Abdullah Azam Khan). As per the certificate, the mother of appellant is Tazeen Fatima and his father is Mohd. Azam Khan. The date of birth as recorded in the certificate of Secondary School Examination (Class-X) results, 2007 of the appellant (Mohd. Abdullah Azam Khan) is 01.01.1993. A copy of the certificate of Secondary School Examination (Class-X) results of the appellant (Mohd. Abdullah Azam Khan) obtained from the Central Board of Secondary Education is enclosed and marked as Annexure-4 to this petition.
- (v) That the appellant (Mohd. Abdullah Azam Khan) appeared in Intermediate examination in the year 2009 St. Paul’s School, Rampur. The said papers and records are available with St. Paul’s School, Rampur and the Central Board of Secondary Education, CBSE.
- (vi) That the election petitioner has made best efforts to get the admission form, examination form as also documents pertaining to the Intermediate Examination of the appellant (Mohd. Abdullah Azam Khan), but has not been able to get the same. The election petitioner has only been able to get the certificate of Secondary School Examination (Class X) results of the appellant from the Central Board of Secondary Education.
- (vii) That the appellant (Mohd. Abdullah Azam Khan) thereafter joined Galgotias University, Greater Noida for his Master’s Degree where he has filled-up form for admission with the same date of birth (01.01.1993). The record of the appellant (Mohd. Abdullah Azam Khan) in respect of his Master’s Degree is available with Galgotias University, Greater Noida.

7. Thereafter, in his Master’s degree which he passed out from Galgotias University, Greater Noida, including his Passport and other documents annexed with the nomination papers which are within the public domain consistently indicated that he was born on 1st January, 1993.

8. In addition to this, the contention of respondent no.1 before the High Court was that the appellant/returned candidate belongs to a very influential family and his father was a Cabinet Minister (Urban Planning, Development and Local Bodies) in Government of Uttar Pradesh during the period 2012 to 2017 and because of his local influence and being the Minister in-charge, documentary evidence has been created by him in the year 2015, which was thereafter made to be the basis and foundation to justify and support the date of birth of the appellant herein which, as alleged, was wrongly recorded in the school records and the fact is that the records maintained by Queen Mary’s Hospital, Lucknow, which indicates that the appellant was born on 30th September, 1990, is a later development and were created in the year 2015 to support that the appellant was qualified to contest election in the year 2017 in terms of the requirement of Article 173(b) of the Constitution.

9. In counter, the appellant in the written statement came with a specific case that the documents on which the election petitioner has relied upon regarding the date of birth based on the school/academic records, although the said documents belong to the appellant but his date of birth is incorrectly and inadvertently registered as 1st January, 1993, as it was recorded by one of their family friends, Shahzeb Khan, DW.9, who got the appellant admitted to St. Paul's School, Civil Lines, Rampur, where his date of birth was incorrectly and inadvertently registered as 1st January, 1993 and that was incorrectly shown throughout in his academic records in Secondary School Examination/Intermediate Examination and also in his higher studies including the date of birth reflecting in the birth certificate issued to him by Rampur Nagar Palika on 28th June, 2012, of 1st January, 1993 which was later cancelled and according to him, the birth certificate issued by Nagar Nigam, Lucknow, on 21st January, 2015 is based on the records maintained by Queen Mary's Hospital, Lucknow, where he was born, his date of birth as per the hospital records is 30th September, 1990.

10. The appellant came with a specific case before this Court that his date of birth reflected in his academic record of 1st January, 1993 was incorrect and that being the reason, the birth certificate issued on 28th June, 2012 by Nagar Palika, Rampur was duly cancelled on 30th January, 2015 and a duplicate certificate of birth dated 21st April, 2015 was issued by Queen Mary's Hospital, Lucknow, where he was born, indicating 30th September, 1990, as the correct date of birth of the appellant and accordingly he was above 25 years of age on the day when nomination form was filled by him for elections of U.P. Legislative Assembly from 34, Suar Assembly Constituency of District Rampur in the year 2017 and on that date the appellant attained the age of 25 years in terms of Article 173(b) of the Constitution for contesting the election of 34, Suar Assembly Constituency of District Rampur.

11. Both the parties placed the documentary as well as oral evidence in support of their respective defences. The High Court after due appreciation of the documentary as well as oral evidence on record and taking note of the submissions made by the parties returned the finding that on the date of filing of nomination papers *i.e.* 25th January, 2017, on the date of scrutiny of nomination papers *i.e.* 28th January, 2017 and on the date of declaration of result of 34, Suar Assembly Constituency of District Rampur *i.e.* 11th March 2017, the appellant was less than 25 years of age and thus, was not qualified to contest the election in terms of Article 173(b) of the Constitution and declared the election of the appellant to be void and consequently it came to be set aside by the impugned judgment dated 16th December, 2019.

Submissions of the Appellant

12. Mr. Kapil Sibal, Senior Advocate appearing for the appellant, submits that there is a statutory presumption of validity of the nomination papers as reflected under para 6 of Chapter VI of the Handbook of Returning Officers, as held by a Three-Judge Bench of this Court in ***Rakesh Kumar v. Sunil Kumar***¹ (para 18) and later considered in ***Uttamrao Shivdas Jankar v. Ranjitsinh Vijaysinh Mohite Patil***² (paras 35, 40 and 44) and further submits that the school/academic records on which reliance was placed by the election petitioner/respondent and of which cognizance has been taken by the High Court under the impugned judgment was not disputed by the appellant, but the appellant disputed the contents of the document relied upon by the respondent throughout and that can be reflected from the written statement filed by the appellant to the election petition and it was the specific case of the appellant that the date of birth as recorded in his school records *i.e.* 1st January, 1993 is incorrect and wrongly recorded, in fact, he was born on 30th September, 1990 and to support his date of birth, sufficient primary documentary evidence was placed on record which pertains to the authenticated record of Queen Mary's Hospital, Lucknow, which is a Government hospital and followed with the birth certificate issued by the competent authority *i.e.* Nagar Nigam, Lucknow dated 21st January, 2015.

¹ (1999) 2 SCC 489

² (2009) 13 SCC 131

13. To support it further, learned counsel submits that once the contents of the document pertaining to the appellant were disputed specifically in his written statement, the burden was on the election petitioner to prove that the date of birth of the appellant was 1st January, 1993 to which no efforts were made and the premise on which the High Court has proceeded to shift the burden of proof on the appellant is in disregard to the principles of the Evidence Act and the fact as alleged is to be proved by the person who pleads under the Evidence Act and made further following submissions:-

- (i) The appellant has stated his date of birth in his nomination papers as 30th September, 1990 along with supporting documents. Therefore, the burden of proof lies on the election petitioner/respondent to rebut the presumption by adducing admissible and reliable evidence that meets the standard of preponderance of probabilities and the election petitioner/respondent has failed to produce any legally admissible evidence on record so as to discharge his burden of proof.
- (ii) The respondent/election petitioner has failed to produce any direct and admissible evidence to prove that the appellant was born on 1st January, 1993 and was not born on 30th September, 1990 and in support, the only document produced by the respondent/election petitioner is the certificate of Class X Exam which is not a document for proof of age.
- (iii) No other document or witness was produced by the respondent to prove an alternate date of birth of the appellant, or to prove the fact that he was not of 25 years of age at the time of scrutiny of nomination papers.
- (iv) To the contrary, the appellant has adduced sufficient, reliable and cogent oral and unimpeachable documentary evidence which if considered in totality, establishes a preponderance of probabilities that he was above 25 years of age as on 28th January, 2017.
- (v) The best evidence of the date of birth is the testimonial evidence of the mother of the appellant (DW.5) and the doctor who delivered the male child and that is the only direct evidence to support the birth of the appellant on a specific date.
- (vi) The appellant's mother (DW.5) in her affidavit in examination-in-chief has categorically stated that she was a lecturer in Political Science in Govt. Girls PG College, Rampur and she gave birth four times. The children from the first two deliveries in 1982 and 1984 died at the time of birth and the third child born in the year 1985 is her elder son Mohd. Adib and thereafter she again availed third sanctioned maternity leave from 7th August, 1990 to 4th November, 1990 which is duly supported by service book, proved by DW.1 and that acknowledges that she gave birth to a male child on 30th September, 1990 in Queen Mary's Hospital, Lucknow, in maternity department of King George Medical University, Lucknow, a Government Hospital and it is supported with discharge certificate dated 24th October, 1990 (Ex.R7), EOT register (Ex.R4) and MLR register (Ex.R5) duly supported by Dr. Uma Singh (DW.3) and Dr. Vineeta Das (DW.4) who in their oral testimony have supported the delivery of male child to DW.5 mother of the appellant on 30th September, 1990.
- (vii) The appellant has further explained that the incorrect date of birth in the school record was an error committed on the part of the family friend Shahzeb Khan (DW.9) who got the admission of the appellant in the school in 1995.
- (viii) It was further submitted that in the absence of any cross-examination of either of the defence witness or the documents placed on record which are public records stands proved in terms of Section 35 of the Evidence Act and further corroborated by the testimony of DW.5 by her service book, salary register, it was established that the appellant was born on 30th September, 1990 in Queen Mary's Hospital, Lucknow.

- (ix) The impugned judgment fails to consider the established evidence though it provides for proof of documents made in the regular course of business by a person other than the author and fails to consider Section 35 of the Evidence Act which states that documents prepared by an official (public or private) in performance of his duty recorded under law are relevant and admissible.
- (x) That with respect to the finding of manipulation and interpolation as being recorded in the impugned judgment regarding the birth register (Ex.R12), there is no evidence on record to support such a finding. No question was put to DW.2 as to any manipulation or interpolation in the document. In the absence of any evidence, the finding recorded in the impugned judgment is unsustainable.
- (xi) The impugned judgment incorrectly record that Section 13 of the Births and Deaths Registration Act, 1969 and Rule 9 of the UP Registration of Birth and Death Rule, 2002 have not been followed while the birth certificate dated 21st April, 2015 was issued. However, the fact is that the birth of the appellant was registered contemporaneously in the year 1990 in Nagar Nigam, Lucknow and it was only a duplicate certificate of registration which was issued on 21st January, 2015.
- (xii) The documents relied upon by the election petitioner/respondent are not admissible in evidence and in any case are not a proof of date of birth of the appellant on 1st January, 1993.
- (xiii) The school records are not the direct evidence of the fact of birth and on a balance of probabilities, it cannot be given pre-eminence over direct evidence of the mother, delivering doctor and contemporaneously maintained hospital records.
- (xiv) The error in school records was sufficiently explained by DW.5 and accordingly necessary steps were taken by the appellant for correction of the school records by a letter dated 23rd March, 2015 submitted by the appellant to the Regional Officer, CBSE, as proved by DW.7, Arun Joseph Dayal, Director of St. Paul's School, Civil Lines, Rampur.
- (xv) The reliance on the alleged Group Insurance Scheme (GIS) Nomination form in the service book of DW.5 was not an admitted document to establish that the appellant was born in 1993 and this was a serious misappreciation of the evidence on record committed by the High Court.
- (xvi) When confronting a witness as to any previous statement in a document it is mandatory that the said document be pointed out to the witness under Section 145 of the Indian Evidence Act to which no efforts were made by the respondent/election petitioner and at the best it is merely a piece of circumstantial evidence which has no legal backing and cannot establish birth of the appellant on 1st January, 1993.

14. These, according to the appellant, were serious manifest errors which were committed by the High Court in passing the judgment impugned and in support of his submissions, counsel placed reliance on the judgments of this Court in *Brij Mohan Singh v. Priya Brat Narain Sinha and Others*³, *Birad Mal Singhvi v. Anand Purohit*⁴ and *Joshna Gouda v. Brundaban Gouda and Another*⁵ and taking assistance of the judgments of this Court submits that the finding recorded by the High Court under the judgment impugned is not legally sustainable and deserves to be set aside.

³ (1965) 3 SCR 861

⁴ (1988) Supp. SCC 604

⁵ (2012) 5 SCC 634

Submissions of the Respondent

15. Mr. Aadil Singh Boparai, learned counsel for the respondent, on the other hand, while supporting the finding returned by the High Court in the judgment impugned, submits that he was successful in establishing before the High Court that the date of birth of the appellant is 1st January, 1993 by leading evidence and also as per the admissions made by the appellant/witnesses, admittedly the appellant was not qualified to contest the election for the Member of Legislative Assembly, being less than 25 years of age in view of Article 173(b) of the Constitution on the date when nomination papers were filled or the date of declaration of result and made the following submissions:

- (i) The respondent/election petitioner placed unimpeachable evidence on record that includes the marksheet of the appellant's class X certificate, his Passports dated 28th August, 2006 and original Birth Certificate issued on 28th June, 2012 by Nagar Palika, Rampur and his self-filled Passport application of the year 2006 and all these documents reflect the date of birth of the appellant as 1st January, 1993.
- (ii) The documents relied upon by the respondent are admissible in evidence and relevant under Sections 21 and 35 of the Indian Evidence Act. The evidence projected by the appellant was false and fabricated and rightly discarded by the High Court. Cancellation process was initiated by the appellant after the birth certificate was issued by Nagar Nigam, Lucknow on 21st January, 2015 indicating 30th September, 1990 as date of birth of the appellant. But, execution of the documents relied upon by the respondent has never been disputed and all are public documents in which consistently his date of birth recorded is 1st January, 1993 and thus, the burden was on the appellant to adduce evidence to rebut the presumption as aforesaid, that his date of birth is 30th September, 1990 and not 1st January, 1993.
- (iii) Both the parties have adduced their evidence in the election petition, that all pertains to the appellant, not to somebody else. The record of the election petition which pertains to the academic record, including Passport and birth certificate of the appellant, until 2015 consistently indicates his date of birth as 1st January, 1993.
- (iv) That in rebuttal, the appellant placed on record claiming his date of birth to be 30th September, 1990, which could not have inspired confidence. In support of his submissions, counsel for the respondent has placed reliance on the judgment of this Court in ***Sushil Kumar v. Rakesh Kumar***⁶ and taking assistance thereof submitted that the finding of fact returned by the High Court is based on due appreciation attached to its probative value and only thereafter it has been held that the appellant has failed to establish his date of birth as 30th September, 1990 and rightly declared the election of the appellant to be null and void and not eligible to contest the election in view of Article 173(b) of the Constitution.

16. We have heard learned counsel for the parties and with their assistance perused the documentary and oral evidence on record, in extenso. Taking into consideration the settled principles as laid down by this Court, it is to be examined whether the date of birth of the appellant, as claimed by him, is 30th September, 1990 or it is 1st January, 1993.

Purpose of the Evidence Act

17. The purpose of the Evidence Act, 1872 is to prove and disprove the existence of facts in issue and to find out the truth of the facts which are asserted by the parties as the decision of the case lies upon/depends upon the truthfulness of those facts. The Act essentially does the balancing of interest between

⁶ (2003) 8 SCC 673

the parties to the proceedings and such balancing has to be done by establishing the truth of the facts asserted. Ultimately, the Indian Evidence Act, 1872 is about the quest towards truthfulness. “*Procedure is the handmade of justice and not its mistress*” i.e. procedure is not to control justice but procedure is the helping hand of justice and it helps to facilitate justice.

18. It is a well-established dictum of the Evidence Act that misplacing the burden of proof vitiates the judgment. At the same time, the rule relating to the burden of proof is based upon certain practical considerations of convenience and reasonableness and also of policy, but where there is a rebuttable presumption of law in favour of one party, the burden of rebutting it lies upon the later.

19. At the same time, when any fact is especially within the knowledge of a party, the burden of proving it lies upon that party. The term “especially” means facts which are pre- eminently or exceptionally within the knowledge of a person. It is true that it cannot apply when the fact is such as to be capable of being known also by persons other than the party. This rule is an exception to the rule of burden of proof. Thus, when a person acts with some intention other than that which the character and circumstances of the act suggest, the burden of proving the intention is upon him. The bottom line of the purpose of the Indian Evidence Act is to adopt a procedure that helps to facilitate justice and ultimately what is required is to unearth the truth, to prevail.

20. So far as the principles of burden of proof is concerned, the principles have been succinctly laid down by this Court in **Sushil Kumar** (supra) paras 28 to 32 :

28. It is no doubt true that the burden of proof to show that a candidate who was disqualified as on the date of the nomination would be on the election petitioner.

29. It is also true that the initial burden of proof that nomination paper of an elected candidate has wrongly been accepted is on the election petitioner.

30. In terms of Section 103 of the Indian Evidence Act, however, the burden of proof as to any particular fact lies on that person who wishes the court to believe in its existence, unless it is provided by any law that the proof of that fact shall lie on any particular person.

31. Furthermore, in relation to certain matters, the fact being within the special knowledge of the respondent, the burden to prove the same would be on him in terms of Section 106 of the Indian Evidence Act. However, the question as to whether the burden to prove a particular matter is on the plaintiff or the defendant would depend upon the nature of the dispute. (See *Orissa Mining Corpn. v. Ananda Chandra Prusty* [(1996) 11 SCC 600])

32. The age of a person in an election petition has to be determined not only on the basis of the materials placed on record but also upon taking into consideration the circumstances attending thereto. The initial burden to prove the allegations made in the election petition although was upon the election petitioner but for proving the facts which were within the special knowledge of the respondent, the burden was upon him in terms of Section 106 of the Evidence Act. It is also trite that when both parties have adduced evidence, the question of the onus of proof becomes academic [see *Union of India v. Sugauli Sugar Works (P) Ltd.* [(1976) 3 SCC 32] and *Cox and Kings (Agents) Ltd. v. Workmen* [(1977) 2 SCC 705]]. Furthermore, an admission on the part of a party to the lis shall be binding on him and in any event a presumption must be made that the same is taken to be established.

21. As per Section 35 of the Evidence Act, a register of record maintained in terms of the statute or by statutory authority in the regular course of business would be a relevant fact and in the aforementioned backdrop, the evidence brought on record is required to be considered. The parties have led their documentary as well as oral evidence and have marked exhibits in reference to relevant documents placed

by the election petitioner and the appellant in support of their respective claims to justify with regard to the date of birth of the appellant. The oral and documentary evidence relied upon has been noticed in paras 8 and 9 of the judgment and are reproduced herein :

8. Both the parties have led documentary and oral evidences. Following papers have been admitted in evidence and have been marked as Exhibits as under :—

Petitioner's evidences:

Ex. No.	Paper No.	Brief particulars
P1	(A-49/1 to A 53/1) A 49/1- 4	Passport application dated 06.07.2012 of the respondent under his signature mentioning his date of birth 01.01.1993, and place of birth Rampur. Earlier Passport No.F-8757022, was issued on 28.08.2006 which expired on 31.12.2010. The new Passport No.K7951741 was issued by the Passport Officer, Bareilly on 13.07.2012 for the period till 12.7.2022. Some papers of Ex.P-1 are mentioned below.
	A 50/1— A 50/4	Copy of Bank Pass Book of the respondent of his bank account in State Bank of India, Nawab Gate, Rampur.
	A 51/1	Copy of birth certificate No.3857 issued by Nagar Palika Parishad, Rampur mentioning date of birth of the respondent as 01.01.1993, Place of birth Rampur, Registration No.RNPB 2012 – 03857, date of Registration 28.06.2012 and date of issue 28.06.2012
	A 52/2 – A52/3	Copy of respondent's Passport no. F8757022, dated 28.08.2006 mentioning date of birth as 01.01.1993
	A 53/1	Passport preview details of Passport No. K-7951741, dated 13.07.2012 mentioning respondent's date of birth as 01.01.1993 and old Passport No.F8757022, dated 28.08.2006
P-2	(A-60/1 to A-78) A-60/1 -2	Copy of the respondent's Passport application dated 10.01.2018 mentioning his date of birth as 30.09.1990 and place of birth Lucknow
	A-61/1	“on line appointment receipt” issued by Ministry of External Affairs, Government of India for the aforesaid Passport application dated 08.01.2018
	A-62/1- 3	Copy of the respondent's Passport No.K7951741, dated 13.07.2012 bearing his date of birth as 01.01.1993 and entries of departure/arrival dated 30.04.2013, 05.05.2013, 09.06.2015 and 26.07.2016. A-62/3 is respondent's Visa dated 09.07.2014 mentioning his date of birth as 01.01.1993
	A-63/1	Birth certificate dated 21.1.2015 issued by Registrar Birth and Death, Lucknow, mentioning date of birth 30.09.1990, place of birth – Queen Mary's Hospital, Lucknow, U.P., and Registration No. NNLKO – B-2015-292611 and date of registration 21.01.2015
	A 64/1	Order of registrar birth and death, Nagar Palika Parishad, Rampur, dated 30.1.2015, cancelling the birth certificate of the respondent dated 28.6.2012, as under:- “श्री मोहम्मद अब्दुल्ला आजम खान पुत्र श्री मोहम्मद आजम खान निवासी मो० घेर मीर बाज खां, जेल रोड रामपुर को इस कार्यालय द्वारा दिनांक 28.06.12 को निर्गत जन्म प्रमाण पत्र आज दिनांक 30.01.15 को निरस्त किया जाता है।”

	A-65/1	Copy of respondent's U.P. Legislative Assembly Identity Card dated 14.03.2017
	A-66/1	Copy of Adhar Card of the respondent dated 7.3.2015
	A-67/1	Copy of respondent's driving licence
	A-68/1	Copy of respondent's voter I.D. Card dated 18.07.2016.
	A-69/1	Copy acknowledgement dated 10.1.2018 issued by Regional Passport Officer, Bareilly for application dated 10.1.2018
	A-70/1	Copy of respondent's application dated 10.1.2018 to the Regional Passport Officer Bareilly stating that "I had applied for reissue of Passport due to change of date of birth and place of birth."
	A-75/2	Letter of Regional Passport Officer, Bareilly, dated 11.01.2018 to Registrar birth and death, Municipal Corporation, Lucknow for verification of birth certificate of the respondent
	A-76/1	Letter of the Registrar Birth and death, Nagar Palika Parishad, Rampur, addressed to Regional Passport Officer, Bareilly confirming issuance of letter dated 30.1.2015 about cancellation of birth certificate of the respondent.
P3	(A-A- 80/1 79 to A- 80/1)	Copy of birth certificate of Mohd. Abdullah Azam Khan (Respondent) dated 28.06.2012 bearing date of registration RNPB 9012-03857, dated 28.06.2012 issued by Nagar Palika Parishad, Rampur on the basis of original record of birth. This birth certificate was got cancelled by the respondent by order of the Registrar dated 30.01.2015
P4	A-25/1	Copy of Secondary School examination Class X result 2007, issued by Central Board of Secondary Education showing respondent's date of birth as 01.01.1993

Oral evidence of Election-petitioner:

P.W. 1- Kazim Ali Khan (Election-petitioner)

P.W. 2- Mohd. Naseem, Passport Officer, Bareilly

P.W. 3- Mohd. Ateer Ansari, Junior Passport Assistant, Bareilly

P.W. 4- Tej Pal Singh Verma, Chief Sanitation and Food Inspector/Deputy Registrar Birth and Death, Nagar Palika Parishad, Rampur

Defendant's/respondent's Evidences.

Documentary Evidence.

Ex. No.	Paper No.	Brief Particular
R1	A 30	List of candidates who filed nomination papers
R2	A 31	Symbol allotment list issued by Returning Officer
R3	A32	Declaration of results by Returning Officer on 11.03.2017
R4	A100/1- 2	Copy of page no. 174 of EOT Register of Queen Mary's Hospital, Lucknow, containing entries of admission of patients dated 29.09.1990, and thereafter entries dated 7 th August 1990, 22.09.1990 and 24.09.1990

R5	A101/1- 2	Copy of page No. 225 of MLR Register of Queen Mary's Hospital bearing cuttings and overwriting and no date of admission of Mrs. Tazeen Fatima (mother of the respondent)
R6	A37	Duplicate birth certificate dated 21.04.2015 issued by Queen Mary's Hospital of K.G. Medical University containing baby's name "baby of Tazeen Fatima" born on 30.09.1990
R7	A38/1-2	Discharge ticket of indoor patient Tazeen Fatima in Queen Mary's Hospital admitted on 07.08.1990 and discharge on 24.10.1990
R8	A41/1-3	Information dated 12.09.2017 given by Professor Vineeta Das, HOD King George Medical University to the mother of the respondent under the RTI Act 2005 intimating that as per rules of the hospital, record of only 10 years is kept. Since matter is of 1990, therefore, true copy of admission register containing entries is not possible to be given. Admission slip is kept by the patient, discharge certificate (paper No. A38/1-2) as produced by Tazeen Fatima is attested.
R9	A42/1-5	Information given by King George Hospital by letter dated 19.09.2017 to the respondent under the RTI Act based on the information of Professor Vineeta Das, HOD King George Medical University by letter dated 12.09.2017 addressed to the Information Officer and mentioning that: (paper No. A100/2) "मोहम्मद अब्दुल्लाह आजम खान के जिस पृष्ठ पर जन्म का विवरण अंकित है उसकी सत्यापित प्रतिलिपि एवं उसके प्रथम पृष्ठ की सत्यलिपि इस पत्र के साथ संलग्न हैं। सूचनार्थ प्रेषित" (paper No. A100/2)
R10	A47/1-7	Copy of pay bill Register of Rajkiya Mahila PG College, Rampur for the month of August 1990, December 1992, January 1993 and February 1993
R11	A95/1- 34	Copy of service book of Tazeen Fatima, lecturer, political science who was made permanent by Government Order dated 11.02.1997 w.e.f. 20.04.1988. She submitted her GIS nomination form under his own signature on 26.04.2001(A95/25) nominated Mohd. Azam Khan (husband) 53 years-50%, Mohd Adeel Ajam Khan (Bitu) (son) 15 years - 25% and Mohd. Abdullah Azam Khan (son) 8 years - 25 %
R12	A-96/1-5	Application of Dr. Tazeen Fatima, dated 17.01.2015 (mother of the respondent) to Nagar Swastha Adhikari, Nagar Nigam, Lucknow, requesting him to issue birth certificate of her son Mohd. Abdullah Azam Khan as per enclosed affidavit. Her son's birth may be got verified from the records of Queen Mary's Hospital.
	A96/3	Computer generated sheet of Nagar Nigam, Lucknow, mentioning date of birth registration 21.01.2015, date of birth 30.09.1990 and name Mohd. Abdullah Azam Khan, place of birth - Queen Mary's Hospital, dated 21.4.2015
	A96/4-5	Photostat copy of birth register of Nagar Nigam, Lucknow containing entry in the name of Abdullah Mohd. Azam Khan recorded in the register on 30.09.1990. Above it on A95/4 are two entries of birth recorded on 07.02.1992 and 25.06.1993 bearing order of some officer to record the birth. The next page (A95/5) starts with the date 02.10.1990 but at the bottom of the page dates are 26.09.1990 and 27.09.1990

9. Oral Evidence of Defendant/respondent:

D.W.-1 - Dr. Shailendra K. Tiwari, Assistant Director of Higher Education, U.P. Prayagraj.

D.W.-2 - Dr. Archana Dwivedi, Additional Municipal Commissioner, Lucknow.

D.W.-3 - Dr. Uma Singh, Sr. Gynecologist Queen Mary's Hospital (Department of Obst. & Gyno.)

D.W.-4 - Dr. Vineeta Das - HOD Obst. & Gyno., Queen Mary's Hospital, Lucknow.

D.W.-5 - Dr. Tazeen Fatima, (mother of the respondent)

D.W.-6 - Dr. Vandana Sharma - Principal Rajkiya Mahila Post Graduate Degree College, Rampur.

D.W.-7 - Arun Josheph Dayal. Director Saint Paul School, Civil Line, Rampur.

D.W.-8 - Dr. Satibir Sing Ken, Radiologist, District Hospital, Rampur.

D.W.-9 - Shahzeb Khan, friend of father of the respondent.

D.W.-10 - Mohd. Abdullah Azam Khan, respondent.

Analysis of the Evidence

22. Now, we shall advert to the circumstances appearing in the case which support the view taken by us. The notification was issued notifying the schedule for election of U.P. State Legislative Assembly from 34, Suar Assembly Constituency of District Rampur as under:-

(a) Date of filing of nomination	25 th January, 2017
(b) Date of scrutiny of nomination	28 th January, 2017
(c) Date of withdrawal of nomination	30 th January, 2017
(d) Date of allotment of symbols	1 st February, 2017
(e) Date of Poll	15 th February, 2017
(f) Date of counting	11 th March, 2017

23. The appellant filled his nomination papers on 24th January, 2017, and was declared elected on 11th March, 2017 by securing the highest number of votes *i.e.* 1,06,443 votes.

24. In the election petition filed by the respondent/election petitioner, his solitary objection was that the appellant was not qualified to contest the election for Member of Legislative Assembly in view of Article 173(b) of the Constitution as he was less than 25 years of age when he filled his nomination papers and the date on which he contested the election and also on the date of declaration of the result of 34, Suar Assembly Constituency of District Rampur.

25. The documentary evidence placed by the respondent/election petitioner on record to substantiate that the date of birth of the appellant is 1st January, 1993 are all public documents issued by the public authorities and are admissible in evidence in terms of Section 35 of the Indian Evidence Act, are as follows:

Following documentary evidences, record birth year of the appellant to be the year 1993 (01.01.1993) :—

(i) Ex. P4 - paper No. A-25/1 - Copy of secondary school examination Class 10th result 2007 issued by Central Board of Secondary Education.

(ii) Ex. P1 - paper No. A-52/2-3, copy of appellant's Passport no. F8757022, dated 28.08.2006 mentioning his date of birth 01.01.1993.

(iii) Ex. P1 - paper No. A-51/1 - copy of birth certificate No. 3857 of the appellant issued by Nagar Palika Parishad, Rampur, showing date of birth of the appellant as 01.01.1993 and date of Registration 28.06.2012.

(iv) Ex. P1 - paper No. A-49/1-4, appellant's Passport application dated 06.07.2012, filed by him under his signature mentioning his date of birth as 01.01.1993, and place of birth Rampur.

(v) Ex. P-1 - paper No. 53/1, Passport preview details of appellant's Passport No. K-7951741, dated 13.07.2012 and Ex. P-2 - paper No. A62/1-3, copy of appellant's Passport No. K- 7951741, dated 13.07.2012 bearing date of birth as 01.01.1993 and entries of departure/ arrival dated 30.04.2013, 05.05.2013, 09.06.2015 and 26.07.2016 and Visa dated 09.07.2014 all mentioning date of birth as 01.01.1993.

(vi) Ex.R-11 (Paper No. A95/1-34) the copy of service book of the appellant's mother filed by the appellant in evidence and proved by the D.W.-1. It contains G.I.S. Nomination form signed and submitted by the appellant's mother (D.W.-5) on 26.04.2001 mentioning appellant's age to be 8 years.

(vii) Ex. P3 - paper No. 80/1, copy of appellant's birth certificate dated 28.06.2012, issued by Nagar Palika Parishad, Rampur, issued on the basis of original record of birth. This birth certificate was subsequently cancelled by the Registrar on 30.01.2015 on the application of the appellant.

26. The respondent/election petitioner appeared as a witness, PW.1 and while supporting the documentary evidence established that the date of birth of the appellant as per the school records and other documentary evidence placed on record is 1st January, 1993, at the same time made a specific averment in his examination-in-chief regarding the documents placed by the appellant/returned candidate on record, that these are all fake and forged documents which are manufactured to create false evidence regarding the age and date of birth of the appellant. Further, the official documents issued prior to the year 2015 consistently indicate his date of birth as 1st January, 1993 and that is also elicited from his cross-examination.

27. The Court Witnesses, PW.2 Mohd. Naseem, the Passport Officer, Bareilly, PW.3 Mohd. Ateer Ansari, Junior Passport Assistant, Bareilly and PW.4 Tej Pal Singh Verma, Chief Sanitation and Food Inspector/Deputy Registrar Birth and Death, Nagar Palika, Rampur were examined and they supported the public documents placed on record which establishes that the birth certificate issued by the Health Department, Nagar Palika, Rampur dated 28th June, 2012, in addition, the online application filled by the appellant for the issuance of Passport, the old Passport No.F 8757022 issued on 28th August, 2006 by PW.2 and PW.3 and placed on record the relevant online application and other documents which were filed by the appellant in January 2015 and all such documents were duly supported by the public officers P.W.2 and P.W.3 in their deposition. The Court Witness PW.4 in his examination-in-chief deposed that all registers and other records related to birth certificate No.3857 dated 28th June, 2012 of the appellant have been destroyed because of the fire due to short circuit on 8th May, 2015 in the office of Nagar Palika, Rampur and is unable to place any record prior to 8th May, 2015, but verified the birth certificate dated 28th June, 2012 as the record is available in the computer system and a copy was placed on record and all these documents were generated either by the appellant himself or at his instance.

28. Thus, from the evidence on record, the respondent was able to establish from the documentary evidence which belongs to the appellant that consistently from day one he has shown his date of birth as 1st January, 1993 not only in his academic record but also in the birth certificate obtained by him issued on 28th June, 2012 (Ex. A-80/1) by Nagar Palika, Rampur his date of birth as 1st January, 1993 which could have been possible only when the relevant documentary evidence was available with the competent authority/in the office of Nagar Palika, Rampur and this fact cannot be ruled out. The respondent has

established on record that the date of birth of the appellant is 1st January, 1993 and this fact was not disputed by the appellant that the documents placed and relied upon by the respondent on record are public documents issued by the competent authorities.

29. At this stage, the objection of the appellant was that although the documents relied upon by the respondent belong to him, but the correctness of the documents is in question, in rebuttal the defence of the appellant throughout even in the defence evidence put forward was that in the year 1995 because his father was away, a friend of his father DW.9, Shahzeb Khan, took him to the school in 1995 and got recorded his date of birth as 1st January, 1993. Even if this stand of the appellant is taken on the face value, the date of birth which is recorded in his Secondary School Examination, followed with his Passport of the year 2006 and his certificate of birth issued by Nagar Palika, Rampur with registration No.RNPB2012-03857 dated 28th June, 2012 of which details have been furnished at least upto the year 2015 consistently in all unimpeachable documentary evidence not only in his academic records but in all other correspondence, he has throughout reflected his date of birth as 1st January, 1993, and since these are all his documents issued from the office of public authorities by the public officers based on the relevant data made available by the appellant himself/on filling application online or physically, the documents released to him in the name of the appellant disclose his date of birth as 1st January, 1993 and after evaluation of the documentary evidence supported by oral evidence on record, this Court certainly can record that it has a sufficient probative value, as required under Section 35 of the Evidence Act.

30. At the same time, the appellant, on the other hand, has not disputed these documents which have been relied upon by the respondent (election petitioner), of which detailed reference has been made in para 8, said documents belong to the appellant himself and are in public domain, issued by the public authorities/competent authorities and obviously information has been extended by the appellant himself and to make the smoke clear at this stage, the defence of the appellant was that at the time when the appellant went to the school in 1995, the friend of his father DW.9 got recorded his date of birth will not have any significance, since in the matriculation certificate and all applications which are filled by the appellant himself and these documents are generated which the appellant has been failed to counter at any given point of time. In countering, the appellant has come out with a defence that his mother DW.5 who was a Lecturer in a Postgraduate College and retired in 2009, in her cross- examination deposed that her son (the appellant) after doing his M.Tech became active in politics in the year 2015 and at this time she proceeded for issuance of a birth certificate from Nagar Nigam, Lucknow and submitted application on 17th January, 2015 (Ex.A-96/1-5).

31. It is curious to note that the request made by her was addressed to the Chief Health Officer, Nagar Nigam, Lucknow with a statement that her son (the appellant) was born on 30th September, 1990 in Queen Mary's Hospital, Lucknow and the birth certificate is urgently needed for very important and unavoidable reasons and she enclosed her own affidavit. On such an application being furnished, within three days, the birth certificate was issued by Nagar Nigam, Lucknow on 21st January, 2015 (Ex.A-96/3) indicating his date of birth as 30th September, 1990, which could not have been ordinarily possible to obtain by the common man.

32. It is sufficient to note that there was no documentary evidence obtained from Queen Mary's Hospital, Lucknow, prior to the application dated 17th January, 2015, submitted by her (mother of appellant) for seeking a birth certificate from Nagar Nigam, Lucknow and it is not the case of the appellant that his date of birth recorded as 1st January, 1993 was due to some inadvertence, but at later stage, it came across that the correct date of birth of the appellant is 30th September, 1990 and this fact revealed in the year 2015, the family proceeded to obtain a certificate of birth from Nagar Nigam, Lucknow.

33. It is also to be noted that on 28th June, 2012, a birth certificate was obtained by the appellant

from Nagar Palika, Rampur and supporting documentary evidence must have been available in the office of Nagar Palika, Rampur, or placed by the appellant, on the basis of which the birth certificate has been issued to him on 28th June, 2012, and admittedly it is not possible that at two different places (Rampur/Lucknow) his birth has taken place or record is maintained and the document obtained from Nagar Palika, Rampur, on 28th June, 2012 was completely concealed and the documents were later generated/obtained from Queen Mary's Hospital, Lucknow, which were for the first time placed on record in the course of the election petition.

34. In other words, the appellant was not holding any documentary evidence to support his claim prior to being placed on record in the course of election petition from Queen Mary's Hospital, which was made to be a basis in the year 2015 to seek a duplicate birth certificate of 30th September, 1990. To make it further clear, the duplicate birth certificate was issued by Queen Mary's Hospital on 21st April, 2015 (Ex.A-37) indicating the date of birth of the baby of DW.5 on 30th September, 1990. From this document, it is clear that on 17th January, 2015, on the date when the application was submitted by his mother (DW.5) addressed to the Chief Health Officer, Nagar Nigam, Lucknow, to obtain the birth certificate of the appellant there was no documentary evidence available in the custody of DW.5 to support that the child was born in the hospital on 30th September, 1990.

35. A duplicate birth certificate was obtained from Queen Mary's Hospital, Lucknow on 21st April, 2015 but what happened to the original, if any, has never been placed by the appellant on record. Just to make a clarification that even in the application dated 17th January, 2015, submitted by DW.5 (appellant's mother) there was no mention of a certificate earlier issued and the demand is to issue a duplicate certificate of the date of birth of the appellant who is born, as alleged, in the Queen Mary's Hospital, Lucknow on 30th September, 1990. The very foundation on which the appellant has proceeded to establish that his date of birth is 30th September, 1990 falls on the ground.

36. It was admitted by DW.5 in her cross-examination that in all his school records, Xth, XIIth, Undergraduate, Postgraduate degree, his date of birth recorded is 1st January, 1993 and that the question put to her in cross-examination about the date of birth of the appellant recorded in the academic record is 1st January, 1993, she made a very curious statement that it is the appellant who informed her that his date of birth is wrongly recorded in his school records, but neither the appellant nor mother-DW.5 ever proceeded in seeking correction in the date of birth certificate at any given point of time prior to the year 2015.

37. The appellant himself appeared as DW.10 in the witness box. It was his admission throughout that in the academic record, his Passport, the date of birth certificate issued from Nagar Palika, Rampur on 28th June, 2012, his date of birth recorded as 1st January, 1993 and curiously, for the first time, in his examination-in-chief he has stated that his mother told him that he was born on 30th September, 1990, and not on 1st January, 1993, and in reference to all the documents which were put to him in cross-examination, his only statement was that although these documents belong to him, but his date of birth has been incorrectly recorded, and later cancelled, but while making a statement of date of birth being incorrect, nothing in counter was placed on record, except the documents placed for the first time in the course of the election petition. From where this fact was gathered, it was not disclosed even in the cross-examination and a statement was made in his cross-examination that his date of birth either in his birth certificate dated 28th June, 2012 or in Passport wherever recorded of 1st January, 1993 at a later stage was cancelled and has made a completely evasive answer in his cross-examination. To support in evidence, the appellant has produced three basic documents, EOT register (R-4), MLR register (R-5) and discharge ticket of Indoor Patient. Dr. Tazeen Fatima, DW.5 (R-7) and the oral evidence of Prof. Vineeta Das, HoD, Obst. & Gyno. (DW.4), Dr. Uma Singh, Sr. Gynaecologist (DW.3) who produced all the registers relating to Queen Mary's Hospital, Lucknow, of the relevant period of the year 1990, when put to cross-examination, reference to the EOT register and particularly to page 174, the question put to her whether entry 174 of EOT register Annual

No, 5097 carry any overwriting on the particular entry, she admitted that yes, overwriting has been done and which can be seen in column no.3 of it. In a further question put to her in the cross-examination about the description in column no.16 of the register that whether it matches with the information mentioned in rest of the column, and also that whether the entry of period of pregnancy at page 174 of EOT register is different from entry of period of pregnancy in page 225 of MLR register, she admitted that yes, all these entries are different. The extract of questions put to Dr. Uma Singh (DW.3) in reference to the so-called official record of the hospital is as under:

(a) Whether you can say confidently that the information of the children born on 30.09.1990 was sent to Municipal Corporation, Lucknow ?

Ans.: Yes.

(b) Whether you can tell after seeing the entry of page 174 of EOT register Annual No. 5097 carried along by you that any overwriting has been done in this or not ?

Ans. : Yes, overwriting has been done in it. Overwriting is seen in column no. 3 of it.

(c) Whether you can tell by seeing the description in column no.16 of above register that whether it matches with the information mentioned in rest of the column of above register ?

Ans.: No

(d) Whether the nature of period of pregnancy at page no.174 of EOT register Annual No. 5097 column no.10 is different from the entry of period of pregnancy in page no. 225 of MLR register Annual No.1826, Column no.10 ?

Ans.: Yes.

(e) Whether in the manner in which the entries are made at page no. 225 of MLR register it matches with the entries made on the above page of other account number ?

Ans. : Do not match totally.

(f) The EOT register and MLR register which you have brought with you today in the Court and presented before the Court, is it attested or signed by any of the officer or department head by Queen Mary's Hospital or King George Medical ? And the entries therein or any of the page is signed or counter signed by any of the officer or doctor of the hospital ? And whether both the above mentioned hospital registers are authenticated by any of the officer or department head ?

Ans.: Above both registers are not authenticated by the officer of Queen Mary's Hospital or King George University. Above both registers are also not attested. But some of the pages are signed by consultant of the hospital.

38. To support the documents placed on record from the Queen Mary's Hospital, Dr. Vineeta Das (DW.4), the HoD, Obstetrics & Gynecology Department, also appeared in the witness box.

39. At the same time, so far as the register of the Nagar Nigam, Lucknow (Ex.R-12) which has been produced by DW.2 Dr. Archana Dwivedi, she appears to have completely surrendered in cross-examination in support of the documents placed by her. Few of the questions put to her in cross examination to produce the register of Registration of Birth and Death maintained by the Nagar Nigam, Lucknow be relevant to quote:

(a) Whether is it necessary to maintain the birth register in the format given in Registration of Birth & Death Act, 1969 ?

Ans.: Yes.

(b) Above papers were shown again and asked that can you see this and till that what is date of registration of birth of the respondent mentioned therein ?

Ans.: In column number 3 of this paper date of birth registration is 21.01.2015.

(c) After how many days the birth certificate is being issued after the related entries made in birth register ?

Ans.: When the applicant gives a request letter thereafter the birth certificate is issued. Birth registration is done immediately after receiving of birth list from the hospital.

(d) Whether the statement given by you today in front of court is based on the official record maintained in the office ?

Ans.: Yes, again stated that the above said birth register is not in the prescribed format, and again want to state that the said format only followed but it has not been used in this case. Pagination has not been done and neither register has been attested nor pagination has been done by any competent officer.

40. The witness has not even been able to support the documents. Apart from the said documents, we have looked into the extract copies of the birth register maintained by the Nagar Nigam, Lucknow (Ex.R-12). Even from the naked eye, it appears that at page 43, last entry is of 30th September, 1990 and there was no space left on the page, still it reveals that someone has tried to insert a further illegal entry and if it would have been in continuation on the next page at page 44 after 30th September, 1990, the second entry comes on 2nd October, 1990 and on 1st October, 1990 there is no entry. At the same time, all entries appear to have been made at the same point of time in continuation and this Court cannot attach any credence to the documents on which the appellant has heavily relied upon which, according to him, is the basis for issuance of the birth certificate on a mere application submitted by the mother DW.5 dated 17th January, 2015, issued by the Nagar Nigam, Lucknow on 21st January, 2015. Rest of the documents supported by the oral evidence placed by the appellant on record are only to justify that DW.5 was on maternity leave and a male child was born in the year 1990 and the third maternity leave was availed by her from 7th August, 1990 to 24th October, 1990 and a male child was born on 30th September, 1990, no credence of any kind could be attached to it.

41. That apart from oral evidence to support the documents placed on record obtained from the Queen Mary's Hospital, we have looked into the relevant documents and from naked eye it appears that the EOT register where the name of DW.5, mother of the appellant has been shown, entry appears to be partially erased and rest of the page other than the entry relating to DW.5, no change is being reflected from the entire document.

42. When the entire evidence is before the Court, it is well settled that the burden of proof becomes immaterial at the given point of time the document made *ante litem motam* can be relied upon safely when such documents are admissible under Section 35 of the Evidence Act. This Court in large number of judgments, including *Brij Mohan Singh (supra)*, *Updesh Kumar and Others v. Prithvi Singh and Others*⁷, *State of Punjab v. Mohinder Singh*⁸, *Vishnu alias Undrya v. State of Maharashtra*⁹ and *Satpal Singh v. State of Haryana*¹⁰ came to the conclusion that while considering such an issue and documents admissible under Section 35 of the Evidence Act, has to examine the probative value of the contents of the document. The authenticity of entries may also depend on whose information such entry stood recorded and what was his source of information, meaning thereby, that such document may also require corroboration in some cases.

⁷ (2001) 2 SCC 524

⁸ (2005) 3 SCC 702

⁹ (2006) 1 SCC 283

¹⁰ (2010) 8 SCC 714

43. In the instant case, the academic record of the appellant consistently indicates the recorded date of birth of the appellant is 1st January, 1993 and to be more specific before 17th January, 2015, all documents which were released from various public offices under the signatures of public authorities, the date of birth of the appellant has throughout been shown as 1st January, 1993 and as stated by DW.5 (mother of the appellant) and so also the appellant herein (DW.10) after doing his post-graduation he wanted to come in active politics, application was submitted on 17th January, 2015 for the first time to the office of the Nagar Nigam, Lucknow for obtaining the birth certificate of the appellant based on Queen Mary's Hospital, Lucknow and the fact is that no documentary evidence was supported along with the application, except the affidavit sworn by DW.5 to the application dated 17th January, 2015 and it is not possible for a common man to get the birth certificate in the existing facts and circumstances, but so far as the appellant is concerned, birth certificate was issued with no loss of time on 21st January, 2015 which was otherwise not possible. It may be noticed that cancellation has taken place at a later point of time and who is the authority competent to cancel, nothing has been brought on record but the fact is that the appellant himself has obtained the certificate of birth from Nagar Palika, Rampur on 28th June, 2012 indicating his date of birth as 1st January, 1993 apart from other documentary evidence which the appellant later got cancelled. This fact cannot be ruled out that there must be the evidence available before the Nagar Palika, Rampur, based on which Birth Certificate was issued to him on 28th January, 2012. A very peculiar situation is created. Two birth certificates are issued by two different authorities (Nagar Palika, Rampur/Nagar Nigam, Lucknow) at different point of time, the presumption is that there must be some documentary evidence available in the custody of municipality indicating two different dates of birth of the same person at the same time *i.e.* the appellant herein.

44. The judgment relied upon by the appellant in ***Birad Mal Singhvi (supra)*** was a case where one of the defeated candidates filed an election petition and his submission was that there were two other candidates whose nomination papers were arbitrarily rejected by the election officer but they neither came in the witness box nor any person appeared in the witness box to support the date of birth recorded in the matriculation certificates of those two candidates. In the given situation, those records could not have been relied upon and become inadmissible in view of Section 35 of the Evidence Act.

45. So far as the judgment relied upon by the appellant in ***Joshna Gouda (supra)*** was a case where the reliance was placed on the school admission register and admission form, including the transfer certificate, but no supporting evidence/proof was available on record. In that context, a finding was recorded that conclusive finding regarding the probative value in reference to the three documents Exhs.5, 5A and 7 could not be attached.

46. It is also trite law that when both the parties have adduced evidence and that too is in reference to a common question and particularly for determination of age, which is the subject matter of dispute and when both the parties have adduced evidence, the question of onus of proof becomes academic. This has been considered by this Court in ***Rakesh Kumar (supra)*** wherein as regards the determination of age of the candidate in terms of Section 36(2) of the Representation of the People Act, 1951, this Court observed :

“27. In *Sushil Kumar v. Rakesh Kumar* [(2003) 8 SCC 673] this Court as regards determination of age of a candidate in terms of Section 36(2) of the Representation of the People Act, 1951 observed: (SCC pp. 684-85, para 32)

“32. The age of a person in an election petition has to be determined not only on the basis of the materials placed on record but also upon taking into consideration the circumstances attending thereto. The initial burden to prove the allegations made in the election petition although was upon the election petitioner but for proving the facts which were within the special knowledge of the respondent, the burden was upon him in terms of Section 106 of the Evidence Act. It is also trite that when both parties have

adduced evidence, the question of the onus of proof becomes academic [see *Union of India v. Sugauli Sugar Works (P) Ltd.* [(1976) 3 SCC 32] and *Cox and Kings (Agents) Ltd. v. Workmen* [(1977) 2 SCC 705 : 1977 SCC (L&S) 342]. Furthermore, an admission on the part of a party to the lis shall be binding on him and in any event a presumption must be made that the same is taken to be established.”

This Court therein followed, inter alia, *Birad Mal Singhvi* [1988 Supp SCC 604] and several other decisions.”

47. In the instant case, the documents issued by Nagar Palika, Rampur in the year 2012, clearly indicate the recorded date of birth as 1st January, 1993 and which is duly supported by his academic record from Class X onwards at all stages which had been generated only under the appellant’s own signatures or under the authority of the appellant and this in no manner could be disputed. Merely because the same has been later on cancelled by the appellant, it may not lose its evidentiary value.

48. In this regard, it may be relevant to note that Section 13(3) of the Registration of Birth and Death Act, 1969, clearly postulates that delayed registration of birth and death are permissible provided a procedure prescribed has been followed after taking orders from the Magistrate and proving the correctness of the date of birth. Although the defence of the appellant is that since his name was already registered in the records of Nagar Nigam, Lucknow, Section 13(3) of the Registration of Birth and Death Act, 1969 may not apply, but this submission appears to be misplaced for the reason that on the basis of the birth record maintained by the Nagar Palika, Rampur, the birth certificate was issued to him under the orders of the competent authority on 28th June, 2012, and there cannot be two separate records of birth available in two different municipalities (Rampur/Lucknow) of the same person and in the given situation, no credibility can be attached on the records maintained by the Nagar Nigam, Lucknow, and in our considered view, the procedure as prescribed under Section 13(3) of the Act, 1969, in the ordinary course of business, was supposed to be adopted by the authorities while a fresh certificate of date of birth was issued to him on 21st January, 2015, which indeed has not been followed by the competent authority by Nagar Nigam, Lucknow.

49. In the instant case, the date of birth of the appellant throughout in his records is 1st January, 1993 and only in the year 2015 when the appellant became keen to enter into active politics, the mother of the appellant (DW-5) submitted an application for the first time on 17th January, 2015, claiming that the appellant was born on 30th September 1990, and birth certificate may be immediately issued to her and within three days, birth certificate was issued by the Nagar Nigam, Lucknow on 21st January, 2015. In support thereof, the documentary evidence which the appellant has placed on record obtained from the Queen Mary’s Hospital, Lucknow, as a foundation on which the birth certificate has been issued as alleged from the Nagar Nigam, Lucknow, in our considered view, no probative value could have been attached to it.

50. The High Court, in our considered view, has examined the documentary and the oral evidence available on record in extenso, we find that no manifest error was committed by the High Court in passing the impugned judgment, which may call for our interference.

51. Consequently, the appeal fails and is accordingly dismissed. No costs.

52. Pending application(s), if any, stand disposed of.

..... (Sd.) J.
(AJAY RASTOGI)

.....(Sd.) J.
(B.V. NAGARATHNA)

NEW DELHI
NOVEMBER 07, 2022.

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 104 OF 2020

MOHD. ABDULLAH AZAM KHAN**APPELLANT****VERSUS****NAWAB KAZIM ALI KHAN****RESPONDENT****JUDGMENT****NAGARATHNA J.**

I have had the benefit of reading the judgment proposed by His Lordship Ajay Rastogi, J. While I concur with the reasoning as well as the conclusion arrived at by His Lordship, I, however, wish to elaborate on the reasoning and also assign additional reasons for dismissing the appeal.

2. This appeal assails the judgment of the High Court of Judicature at Allahabad, dated 16.12.2019 in Election Petition No.08 of 2017 by which the petition filed by the election petitioner herein against the successful candidate herein has been allowed and the election of the successful candidate herein, to the Uttar Pradesh Legislative Assembly from the 34-Suar Constituency, District Rampur held in the year 2017 has been set aside.

For the sake of convenience, the rank of the parties herein shall be referred to as per their rank and status in the Election Petition filed before the High Court. In other words, they shall be referred to as the election petitioner and the successful candidate, respectively.

3. Succinctly stated, the facts giving rise to the instant appeal are as under:

3.1. A notification was published under Section 15 of the Representation of People Act, 1951 (hereinafter referred to as R.P. Act), notifying the election of Uttar Pradesh State Legislative Assembly, *inter-alia*, from 34- Suar Constituency, District Rampur, Uttar Pradesh. As per the said notification, the last date for filing the nomination for contesting the election was 25.01.2017 and the poll was scheduled to be held on 15.02.2017. The appellant was the successful candidate while the election petitioner was the unsuccessful candidate who filed the election petition.

3.2. The successful candidate filed his nomination on 24.01.2017, to contest the elections, from 34-Suar Constituency, District Rampur, Uttar Pradesh. Subsequently, the election petitioner, namely, Nawab Kazim Ali Khan, filed an objection before the Returning Officer, challenging the successful candidate's nomination on the ground that he had not attained the age of twenty-five years at the time of filing his nomination and was therefore, ineligible to contest the election in view of Article 173(b) of the Constitution of India. The election petitioner had filed his objection on the basis of a newspaper article published in a local daily, *Dainik Jagran Amar Ujala* on 28.01.2017.

3.3. By order dated 30.01.2017, the Returning Officer rejected the objection filed by the election petitioner herein by observing that the successful candidate herein had stated in Column B of Section 3 of the nomination form, as also in Form 26, that his age was twenty-six years. That in support of such claim, the successful candidate had attached his Birth Certificate (No. 229428) which was issued to him by the Nagar Nigam, Lucknow, on 21.05.2015 and in the said document, the date of birth of the successful candidate was recorded as 30.09.1990. It was further noted that as

per the successful candidate's Aadhar card and the electoral roll, his age at the relevant time was twenty-six years. Consequent to the rejection of the objections raised by the election petitioner and on the basis of the documents submitted and details furnished by the successful candidate in the nomination form, his nomination was accepted by the Returning Officer.

3.4. The election was held as scheduled on 15.02.2017 and on 11.03.2017, the appellant was declared as the successful candidate in the election to the Uttar Pradesh Legislative Assembly from the 34-Suar Constituency, District Rampur. The election petitioner herein stood third in the said election.

4. In the above background, the election petitioner filed Election Petition No. 08 of 2017 before the High Court of Judicature at Allahabad, seeking a declaration that the election of the successful candidate to the Uttar Pradesh Legislative Assembly be declared as null and void, for non-compliance of the requirements of Article 173(b) of the Constitution of India. The said prayer was allowed by the High Court and the election of the successful candidate was set aside. Hence, this appeal.

Pleadings:

5. The averments made by the election petitioner in his Election Petition do not call for a reiteration except to the following extent:

i) That the successful candidate had not completed twenty-five years of age, both, as on the date of scrutiny of the nomination papers as well as on the date of the election and therefore, his candidature seeking election to the Uttar Pradesh Legislative Assembly ought not to have been accepted in light of Article 173(b) of the Constitution of India read with Section 36(2) of the R.P. Act.

ii) That the birth certificates produced by the successful candidate before the Returning Officer were duplicate certificates issued by the Queen Mary's Hospital, Lucknow, and the Nagar Nigam, Lucknow, on 21.04.2015 and 21.01.2015, respectively, and not on 30.09.1990, being the date on which the successful candidate was stated to have been born. Therefore, such documents did not reflect the correct date of birth of the successful candidate.

iii) That the Returning Officer rejected the objection filed by the election petitioner without verifying the date of birth of the successful candidate in the original birth certificates issued by the Queen Mary's Hospital, Lucknow and the Nagar Nigam, Lucknow. The birth certificates issued by the Queen Mary's Hospital, Lucknow and the Nagar Nigam, Lucknow were fabricated documents and the successful candidate's actual birth certificate was issued by the Registrar (Birth and Death), Nagar Palika Parishad, Rampur, Uttar Pradesh and as per the said document, his date of birth was 01.01.1993 and not 30.09.1990 as contended by the successful candidate.

On the above pleadings, the election petitioner sought setting aside the election of the successful candidate.

6. In response to the Election Petition, the successful candidate in the election, filed his written statement before the High Court, *inter alia*, with the following averments:

i) That he was born on 30.09.1990 at Queen Mary's Hospital, Lucknow, and not on 01.01.1993 as alleged by the election petitioner. Therefore, he was above the age of twenty-five years as on the last date of filing the nomination, *i.e.*, on 25.01.2017, on the date of scrutiny of his nomination, *i.e.*, 28.01.2017 and on the date on which he was declared as the elected candidate, *i.e.*, on 11.03.2017. Hence, he was duly qualified to contest the election and hold the office of a Member of Legislative Assembly, under Article 173(b) of the Constitution of India and provisions of the R.P. Act.

ii) That the Returning Officer rightly rejected the objections raised by the election petitioner in view of the fact that there was no defect of a substantial nature in the successful candidate's nomination paper and accompanying documents.

With the aforesaid averments it was prayed that the Election Petition filed by the election petitioner be dismissed by the High Court as being devoid of merit.

6.1 The election petitioner filed his replication to the written statement which is summarised as under:

(i) While denying the contents of the written statement to be true and the documents attached to the written statement being fabricated, forged and misleading, the election petitioner reiterated the contents of his election petition.

(ii) The election petitioner has taken an additional plea to the effect that on 14.08.2017, the Election Officer Rampur, had forwarded a representation which was moved by one, Mr. Akash Kumar Saxena, Chairman of the Indian Industries Association, to the Chief Election Officer, disclosing discrepancies with respect to the Pan Card of the successful candidate. That the successful candidate had clandestinely procured a new Pan Card bearing No. DWAPK7513R which was issued to him on 24.03.2015, showing his date of birth as 30.09.1990 by deliberately concealing the fact that he had already been issued Pan Card No. DFOPK6164K on 30.08.2013 in which his date of birth was recorded as 01.01.1993. As per the original Pan Card, the successful candidate was less than twenty-five years of age, whereas, according to his new Pan Card he was twenty-six years of age.

(iii) Further, the successful candidate had opened a bank account no. 34341386006 in State Bank of India with Pan Card No. DFOPK6164K wherein his date of birth in the bank account was recorded as 01.01.1993. That the successful candidate had two pan cards and had not disclosed his correct income while contesting the legislative assembly elections.

Evidence:

7. The parties let in oral as well as documentary evidence in the Election Petition:

7.1 The election petitioner let in oral evidence through PW-1 - PW-4 witnesses. The election petitioner got marked Exhibit P-1 to P-4 documents.

7.2 The successful candidate let in oral evidence through DW-1 - DW-10 witnesses. The successful candidate got marked Exb. No.- R1-R12 documents.

7.3 On the basis of oral and documentary evidence on record, High Court allowed the Election Petition filed by the election petitioner herein and set aside the election of the successful candidate/appellant herein in respect of 34-Suar Constituency, District Rampur, held in the year 2017. Being aggrieved successful candidate has preferred this appeal.

Submissions:

We have heard Shri Kapil Sibal, learned senior counsel instructed by learned counsel on behalf of the successful candidate whose election has been set aside by the High Court and Shri Aadil Singh Boparai, learned counsel for the respondent instructed by learned counsel.

8. The submissions on behalf of the appellant-successful candidate do not call for reiteration and are epitomised as under:

8.1. Learned senior counsel, Shri Kapil Sibal, appearing on behalf of the successful candidate submitted that the impugned judgment of the High Court had been rendered based on an erroneous appreciation of law and facts relating to the controversy at hand, and also on an incorrect

understanding of the fact in issue. That the appellant- successful candidate, at the time of filing his nomination as well on the date of polling, had completed the age of twenty-five years and was therefore competent in all respects to hold the office of Member of Legislative Assembly.

8.2. It was contented that the fact in issue in the present case is not whether the successful candidate entered his date of birth as 01.01.1993 in his official documents, but whether the successful candidate was actually born on 01.01.1993; or whether despite the fact that certain documents had recorded the successful candidate's date of birth to be 01.01.1993, he was actually born on another date, *i.e.*, 30.09.1990.

8.3. It was submitted that the best evidence as regards the actual date of birth of the successful candidate, was the testimonial evidence of the successful candidate's mother (DW-5) and the doctor (DW-3) who delivered the successful candidate. That the law of evidence requires that direct and primary evidence, if available, must be given for proof of a fact and such evidence would be the best evidence of such fact. This foundational rule is reflected, *inter-alia*, in Sections 59 to 65 and Section 91 of the Indian Evidence Act, 1872 (hereinafter referred to as "Evidence Act" for the sake of brevity). In the instant case, the evidence of the successful candidate's mother and the delivering doctor is direct oral evidence of the fact of birth of the successful candidate on a given date.

8.4. It was vehemently contended that DW-5's testimony was fully corroborated by the recitals in her service book and salary register, as also by the hospital records. That the hospital records such as the Emergency O.T. (E.O.T) register and the Maternity Labour room Register (MLR), were not only primary and direct evidences that were contemporaneous to the event of birth, but were also public documents which were produced from proper custody and therefore, they would be both relevant and admissible under Section 35 read with Section 74 of the Evidence Act.

8.5. Further, referring to the testimony of DW-3, namely, Dr. Uma Singh, who is stated to be the doctor who enabled the delivery of the successful candidate, it was submitted that the statements made by DW-3, when considered together with the hospital records, conclusively establish that the successful candidate was born on 30.09.1990. That DW-3 was one such witness, who was connected with the successful candidate's birth in a manner as would enable her to vouchsafe the truth as to the date of birth of the successful candidate. That the High Court committed a grave error in disregarding the evidence of DW-3 on the sole ground that she stated that she was unable to say with certainty that the baby born to DW-5 on 30.09.1990, was in fact, the successful candidate. That to expect DW-3 to make such an assertion, was an absurd requirement, which was not contemplated under law.

8.6. Shri Kapil Sibal, learned senior counsel sought to explain the discrepancy in the period of pregnancy of the successful candidate's mother, as recorded in Column 10 of the relevant entry in the maternity labour room register by stating that the age of the successful candidate's mother at the time, *i.e.*, 38 years, had been incorrectly entered in the column dedicated for 'period of pregnancy.' That this was in the nature of a clerical error and ought not to be held to have a material bearing on the authenticity of the record itself, more so, when all other details recorded in the said register were correct.

8.7. As regards the allegations of forgery and fabrication of the hospital records, it was averred that by making entries as to the successful candidate's birth on a later date, it would require a single horizontal space in the registers ought to have been kept blank since 1990, till whenever the successful candidate is alleged to have created the forged records. Such an assumption is wholly improbable and therefore, there is no possibility of forgery and fabrication of the hospital records. Further, no such absurd presumption could be made particularly when the hospital records stood

corroborated by the testimonial evidence of DW-4, namely, Dr. Vineeta Das, Head of the Department of Gynaecology and Obstetrics as well as by the birth certificate dated 21.04.2015 issued by DW-3 and DW 4 and proved by them.

8.8. It was next contended that the High Court's reliance on school records of the successful candidate, wherein his date of birth was incorrectly recorded as 01.01.1993, was misplaced. That school records are not direct evidence of the fact of birth and cannot, on a balance of probabilities, be given pre-eminence over direct evidence of the mother, delivering doctor and contemporaneously created hospital records. In order to buttress such averments, reliance was placed on ***Birad Mal Singhvi vs. Anand Purohit A.I.R. 1988 SC 1796; Sushil Kumar vs. Rakesh Kumar (2003) 8 SCC 673; Joshna Gouda vs. Brundaban Gouda (2012) 5 SCC 634.***

8.9. It was further submitted that the error in the school records had been sufficiently explained by DW-5, as well as DW-9, who is the person who is stated to have accompanied the successful candidate to get him admitted in school. That it is a common practice in India to give a belated date of birth at the time of admission in school so as to secure benefit of enhanced years of public service, and such practice has been acknowledged by this Court in ***Brij Mohan Singh vs. Priya Brat Narain Sinha and Ors. A.I.R. 1965 SC 282.***

8.10. As regards the election petitioner's reliance on the GIS nomination form of the successful candidate's mother, wherein she had stated that the successful candidate was eight years old as on 26.04.2001, it was submitted that the said document was neither direct nor contemporaneous proof of birth on a certain date. The GIS nomination form was at best a piece of circumstantial evidence which had no weight and could not establish that the successful candidate's date of birth was 01.01.1993.

8.11. On the basis of the aforesaid submissions, it was asserted that the election petitioner had not produced sufficient evidence so as to discharge the burden of proof to prove his positive case, as required under law, *vide Birad Mal Singhvi (supra)* and *Sushil Kumar (supra)*. That the entire case of the election petitioner was based on conjectures and farfetched presumptions as to exertion of pressure by the successful candidate's father, for issuance of forged certificates and therefore, the Election Petition ought not to have been entertained by the High Court.

With the aforesaid averments, it was prayed that the impugned judgment be set aside and the instant appeal be allowed by dismissing the election petition.

9. The submissions on behalf of the learned counsel for respondent-election petitioner Sri Boparai, are summarised as under:

9.1. Learned counsel for the election petitioner supported the impugned judgment and contended that there was no infirmity in the findings and decision of the High Court which would call for interference by this Court. Hence, it was prayed that the instant appeal may be dismissed and the judgment of the High Court dated 16.12.2019 be confirmed.

9.2. Learned counsel elaborated his submissions by contending that the nomination of the successful candidate herein to be a candidate for the Uttar Pradesh Legislative Assembly Elections from the Suar District Constituency, District Rampur, was erroneously accepted as the successful candidate was underaged and had not completed twenty-five years of age which is a qualification and an eligibility criterion under Article 173 (b) of the Constitution of India. That since the nomination of the successful candidate was improperly accepted and he was ultimately declared the successful candidate in the said election, the result was liable to be set aside which was rightly done by the High Court.

9.3. Learned counsel for the election petitioner contended that the correct date of birth of the successful candidate is 01.01.1993 as recorded in the Class-X mark-sheet of the successful candidate; the Passports issued to him dated 28.08.2006 and 13.07.2012, the successful candidate's original birth certificate dated 28.06.2012 issued by the Nagar Palika Parishad, Rampur, the Passport applications of the successful candidate pertaining to the year 2012 and the visa issued to the successful candidate dated 09.07.2014. It was further contended that the aforesaid documents are public documents and the same were not denied by the successful candidate, hence, they were admissible and relevant under Section 21 and 35 of the Evidence Act and a presumption would arise as to the validity of such documents.

9.4. It was next contended that the defence taken by the successful candidate that he came to know about the incorrect date of birth mentioned in the aforesaid documents only in the year 2015 and the Passport and other documents were eventually cancelled, did not inspire confidence as the successful candidate in his cross-examination had stated that the process of cancellation was initiated in the year 2018, much after the election petitioner filed the Election Petition before the High Court. That such a conduct of the successful candidate was demonstrative of the fact that attempts were made to fabricate an earlier date of birth in the records pertaining to the successful candidate, only when his election was challenged, and not prior to that.

9.5. Learned counsel for the election petitioner averred that he had discharged the initial burden of proof by adducing the aforesaid documents as evidence wherein the date of birth of the successful candidate was recorded as 01.01.1993. That the existence of such documents as well as the contents thereof stood admitted by the successful candidate; so also, the fact that the said documents were signed and submitted by him before the competent authorities. In that context, reliance was placed on the judgment of the Privy Council in **Rani Chandra Kunwar vs. Chaudhari Narpat Singh and Ors. (1906) SCC OnLine PC 26** to contend that once the successful candidate had admitted the execution of the aforesaid public documents, the onus of proof shifted on the successful candidate to adduce evidence to rebut the presumption and further demonstrate that his date of birth is 30.09.1990 and not 01.01.1993.

9.6. The election petitioner also relied on **Sushil Kumar vs. Rakesh Kumar (2003) 8 SCC 673**, to assert that, when both the parties have adduced evidence in an election petition, the question of onus of proof would become academic and therefore, it was for the Court to appreciate the contrary oral and documentary evidence and arrive at a conclusion, *de hors* considerations as to who was to discharge whole or part of the burden of proof.

9.7. Learned counsel for the election petitioner referred to the GIS (Group Insurance Scheme) Nomination form in the service book (Ex. R-11 Paper No. A-95/25) of the successful candidate's mother, which was proved in evidence by DW-1- S. K. Tiwari, Assistant Director of Higher Education, Uttar Pradesh, to contend that the said form was signed by the mother of the successful candidate on 26.04.2001 and in the said form she had admitted that the successful candidate was eight years old as on 26.04.2001. Such an admission was conclusive proof of the fact that he was born in the year 1993 and was therefore eight years old in April, 2001. The said GIS Form was adduced as a piece of evidence by the successful candidate and was also adverted to by DW-5 – Dr. Tazeen Fatima in her cross-examination. However, she did not offer any explanation as to the successful candidate's age in the said form. In this regard, reliance was placed on the judgment of this Court in **P.C. Purushothama Reddiar vs. S. Perumal (1972) 1 SCC 9** wherein it was observed that once a document is properly admitted, the contents of that document are also admitted in evidence and no further evidence would have to be let in by the party relying on such an admission to establish the fact so admitted.

9.8. It was submitted that the E.O.T Register (Ex. R-4 Paper No. A-100/1-2) and the M.L.R. Register (Ex. R-5 Paper No. A-101/1-2) adduced as evidence by the successful candidate, were neither authenticated nor certified by the competent authority of Queen Mary's Hospital. There were irregularities including entry of wrong name, discrepancy in the records pertaining to period of pregnancy, etc., which were admitted by DW-3, Dr. Uma Singh, in her cross-examination and more importantly, D.W.3 also stated that she could not confirm that the successful candidate was born on 30.09.1990.

9.9. It was next contended that the Birth Certificate issued by the Nagar Nigam, Lucknow, wherein the date of birth of the successful candidate was shown as 30.09.1990, was based on a purported entry in the birth register (Ex. R-12 A 96/4-5) which was tendered as evidence by DW-2, Dr. Archana Dwivedi, Additional Municipal Commissioner, Nagar Nigam, Lucknow and the said entry was as a result of manipulation of the public records. That DW-2 in her cross-examination had stated that the birth register was maintained by a clerk and was not in the prescribed format as per the mandate of the Registration of Births Act, 1969, (hereinafter referred to as the "Act", for the sake of brevity), and the same had not been authenticated or verified by a competent official. Further, the birth register was not paginated and the entry of the name of the successful candidate's mother was not made in a chronological order. Also, DW-2 testified that the Birth List maintained by the hospital, on the basis of which birth entry of successful candidate's name was made in the birth register maintained by the municipality, was not available. Therefore, the substratum or the basis of making the entry in the birth register maintained by the municipality was not available and hence, the corresponding entry was a result of extraneous factors.

9.10. Further, it was submitted that reliance placed by the successful candidate on the result of the ossification test did not prove that he was born on 30.09.1990. In order to buttress such contention, learned counsel for the election petitioner placed reliance on *Mukarrab and others vs. State of U.P. (2017) 2 SCC 210* wherein it was observed by this Court that Ossification Test cannot be solely relied upon and is not a conclusive proof of age. In furtherance of such an argument, learned counsel for the election petitioner referred to the testimony of DW-8, Dr. Satbir Singh Ken, who, in his cross-examination had admitted that ossification test is not a definitive proof of age as the result of such a test could vary from the actual age, to a certain degree.

With the aforesaid averments, it was prayed that the present appeal be dismissed as being devoid of merit and the impugned judgment be confirmed.

Points for consideration:

10. Article 173(b) of the Constitution of India states that a person shall not be qualified to be chosen to fill a seat in the legislature of the state unless he is, in the case of seat in the legislative assembly, not less than twenty-five years of age and in the case of a seat in the legislative council not less than thirty years of age.

Having heard learned senior counsel and learned counsel for the respective parties and on perusal of the material on record, the following points would arise for consideration:

(i) *Whether the High Court was correct and justified in allowing Election Petition No.08 of 2017 filed by the election petitioner against the successful candidate and thereby setting aside the election of the successful candidate to the office of Member of Legislative Assembly, from 34-Suar Constituency, District Rampur, Uttar Pradesh, on the ground that there was improper acceptance of successful candidate's nomination paper and there was a breach of Article 173(b) of the Constitution of India ?*

(ii) *What order ?*

11. The narration of facts and contentions would not call for reiteration except stating that the successful candidate is aggrieved by his election to the Legislative Assembly *vis-à-vis* 34- Suar Constituency, District Rampur, Uttar Pradesh, being set aside at the instance of the election petitioner by the impugned judgment of the High Court.

12. Before proceeding to consider the evidence let in by the respective parties in order to ascertain whether, the conclusions arrived at by the High Court in allowing the Election Petition filed by the election petitioner herein, are just and proper, it is necessary to discuss and delineate on the relevant judgments of this Court cited at the Bar with regard to burden of proof in light of the relevant provisions of the Evidence Act.

12.1. The legal scheme governing various aspects of ‘burden of proof’ in the Indian context, is contained in Sections 101 to 106 of the Indian Evidence Act.

12.2. As per Section 101 of the Indian Evidence Act, when a person is bound to prove the existence of any fact, it is said that the burden of proof lies on that person. This section is based on the rule, *ei incumbit probatio qui dicit, non qui negat*, which means that the burden of proving a fact rests on the party who substantially asserts the affirmative of the issue and not upon the party who denies it, because a negative is usually incapable of proof. The burden of proving a fact always lies upon the person who asserts and until such burden is discharged, the other party is not required to be called upon to prove his case. The court has to examine as to whether the person upon whom the burden lies has been able to discharge his burden. However, the above rule is subject to the general principle that things admitted need not be proved.

12.3. The question as to whether burden of proof has been discharged by a party to the *lis* or not, would depend upon the facts and circumstances of the case. If the facts are admitted or, if otherwise, sufficient materials have been brought on record so as to enable a Court to arrive at a definite conclusion, it is idle to contend that the party on whom the burden of proof lies would still be liable to produce direct evidence, *vide National Insurance Co. Ltd. vs. Rattani* (2009) 2 SCC 75: AIR 2009 SC 1499.

12.4. Burden to prove documents lie on plaintiff alone as onus is always on the person asserting a proposition or fact which is not self-evident. This position is summarised in the observation to the effect that, an assertion that a man who is alive was born requires no proof; the onus, is not on the person making the assertion, because it is self-evident that he had been born. But to assert that he had been born on a certain date, if the date is material, requires proof; the *onus* is on the person making the assertion, *vide Robins vs. National Trust & Co. Ltd.* 1927 AC 515: 101 IC 903.

12.5. It is also to be noted at this juncture that there is an essential distinction between burden of proof and onus of proof. Burden of proof lies upon a person who has to prove the fact and it never shifts, onus of proof on the other hand, shifts. Such a shifting of onus is a continuous process in the evaluation of evidence. For instance, In a suit for possession based on title, once the plaintiff has been able to create a high degree of probability so as to shift the onus on the defendant, it is for the defendant to discharge his onus and in the absence thereof, the burden of proof lying on the plaintiff shall be held to have been discharged so as to amount to proof of the plaintiffs title, *vide RVE Venkatachala Gounder vs. Arulmigu Viswesaraswami and VP Temple* AIR 2003 SC 4548 (4558-59): (2003) 8 SCC 752.

12.6. In terms of section 102 of the Evidence Act, the initial burden to prove its claim is always on the plaintiff and if he discharges that burden and makes out a case which entitles him to a relief, the onus shifts to the defendant to prove those circumstances, if any, which would disentitle the plaintiff of the same.

12.7. Where, however, evidence has been led by the contesting parties, abstract considerations of onus are out of place and truth or otherwise must always be adjudged on the evidence led by the parties [*Kalwa Devadattam vs. Union A.I.R. 1964 SC 880*]

12.8. As per Section 103, the burden of proof as to any particular fact lies on that person who wishes the Court to believe in its existence, unless it is provided by any law that the proof of that fact shall lie on any particular person. This section amplifies the general rule in section 101 that the burden of proof lies on the person who asserts the affirmative of the issue. It lays down that if a person wishes the court to believe in the existence of a particular fact, the onus of proving that fact, is on him, unless the burden of proving it is cast by any law on any particular person.

12.9. Section 105 is an application of the rule in section 103. When parties to a dispute adduce evidence to substantiate their claim, onus becomes academic and divided, entailing each party to prove their respective plea.

12.10. Section 106 is an exception to the general rule laid down in Section 101, that the burden of proving a fact rest on the party who substantially asserts the affirmative of the issue. Section 106 is not intended to relieve any person of that duty or burden but states that when a fact to be proved is peculiarly within the knowledge of a party, it is for him to prove it. It applies to cases where the fact is especially within a party's knowledge and to none else. The expression 'especially' used in Section 106 means facts that are eminently or exceptionally within one's knowledge. This means a party having personal knowledge of certain facts has a duty to appear as a witness and if he does not go to the witness box, there is a strong presumption against him. In an Election Petition, the initial burden to prove determination of age of returned candidate lies on the petitioner, however, burden lies on the respondent to prove facts within his special knowledge. (*Sushil Kumar vs. Rakesh Kumar (supra)*)

12.11. The provisions of Section 106 are unambiguous and categorical in laying down that when any fact is especially within the knowledge of a person, the burden of proving that fact is upon him. If he does so, he must be held to have discharged his burden but if he fails to offer an explanation on the basis of facts within his special knowledge, he fails to discharge the burden cast upon him by Section 106.

[Source: Sarkar on Law of Evidence, 20th Edition, Volume 2.]

12.12. In *Sushil Kumar vs. Rakesh Kumar (supra)*, the controversy was with regard to the improper acceptance of the nomination of the sole respondent therein on the premise that he was under qualified to contest the Bihar Legislative Assemble election from 181, Parbatta Constituency. In the said case, *inter alia*, the horoscope of the respondent therein and admission register of New St. Xaviers School, Boring Road, Patna and transfer certificate issued by Swami Vivekananda Vidyalaya, Mithapur, Patna, were produced as documents to prove that the successful candidate therein was not eligible to contest the said Assembly election. In the said case, Section 35 of the Indian Evidence Act was referred to and it was observed that the register maintained in terms of a statute or by a statutory authority in regular course of business would be a relevant fact and if such vital evidence had been produced, it would clinch the issue. It was observed that there is no reliable evidence on record to show that the date of birth was recorded in the school register on the basis of the statement of any responsible person and that the admission register or a transfer certificate issued by a primary school do not satisfy the requirements of Section 35 of the Evidence Act.

Further, reference was made to *Brij Mohan (supra)* as well as *Birad Mal Singhvi (supra)* and it was observed that in the absence of primary material on the basis whereof the age was recorded, it would not be possible to accept the evidence produced therein. While examining the admission

register of the school relied upon by the successful candidate therein, it was observed that entries in the said register had been made by one person with two different pens in one sitting. Also, there were other alterations in the said register and hence, no credence could be given to the same. It was observed that forgery in the register had been done in a crude form and the High Court had noticed the same but still proceeded to rely upon the said documents which amounted to a misdirection in law. It was further observed that the respondent therein had special knowledge as to in which school he had studied and should have disclosed the same instead of disclosing the details of his education. He had taken recourse to *suppression veri* and *suggestion falsi* and had produced documents which were apparently forged and fabricated. The respondent therein could not have been admitted in New St. Xaviers Junior School, being overaged and the evidence of father of the respondent was not trustworthy. Further, the horoscope filed by the respondent in the said case did not inspire confidence. Further, DW-2 who let in evidence on the horoscope was a bystander who had nothing to do either with the preparation of the horoscope or with the writing thereof and his evidence was not trustworthy and the horoscope could not have been looked into for any purpose whatsoever. Also, an application was filed on behalf of the respondent therein in respect to the occurrence which took place in April, 1995, and the date of birth of the appellant was said to be fourteen years as on that date, and, thus, sixteen years in the year 1996 and was below twenty-five years of age on the date of filing of the nomination.

With reference to the averments made in the bail application on behalf of the respondent therein and the same being an admission, reliance was placed on ***Thiru John vs. Returning Officer (1977) 3 SCC 540*** to observe that a party's admission as defined in Sections 17 to 20, fulfilling the requirements of Section 21 of the Evidence Act, is substantive evidence *proprio vigore*. An admission, if clearly and unequivocally made, is the best evidence against the party making it and even though conclusive, shifts the onus on to the maker on the principle that 'what a party himself admits to be true may reasonably be presumed to be so and until the presumption was rebutted, the fact admitted must be taken to be established.'

It was further observed in para 65 of the said judgment that :

“65. Furthermore, a person should not be permitted to take advantage of his own wrong. He should either stand by his statement made before a court of law or should explain the same sufficiently. In the absence of any satisfactory explanation, the court will presume that the statement before a court is correct and binding on the party on whose behalf the same has been made.”

Under Section 58 of the Indian Evidence Act, a fact admitted need not be proved.

12.13. In ***Narender Singh vs. Mala Ram and Ors. (1999) 8 SCC 198***, the controversy was with regard to the improper rejection of nomination papers and the filing of an Election Petition by the candidate whose nomination papers were improperly rejected and improper acceptance of the nomination papers of the returned candidate. This Court speaking through Rajendra Babu, J., discussed about consideration and appreciation of evidence in an election dispute. In para 15 of the judgment, it was observed that the general principle in the matter of appreciation of evidence in an election dispute is that the onus to prove the essential facts which constitute the cause of action in such a dispute is upon the person making it, namely, the election petitioner. What evidence would be sufficient to prove a particular fact depends upon the circumstances of each case. When the evidence adduced is capable of drawing an inference either way, the view that is favourable to the returned candidate will have to be preferred. Reference was made to ***Ram Singh vs. Col. Ram Singh 1985 (Supp.) SCC 611***, wherein, it was observed that “in borderline cases the courts have to undertake the onerous task of, ‘disengaging the truth from falsehood, to separate the chaff from the grain’.”

Analysis:

I shall now analyse the oral and documentary evidence on record in order to assess the correctness of the findings of the High Court.

i) Re: Passports and Visas of the appellant-successful candidate:

13. The election petitioner adduced Ex. P-1 and P-3 wherein the date of birth of the successful candidate was shown as 01.01.1993, to contend that the successful candidate was less than 25 years of age at the time of filing his nomination and the fact that the aforesaid documents indicated the date of birth as 01.01.1993 was not disputed by the successful candidate although the said date was not accepted as his date of birth.

13.1. It is noted that the successful candidate had made applications under his own signature to obtain the Passports in the year 2006 and 2012 (Ex. P-1 – Paper No. A- 49/1-4) wherein he had mentioned his date of birth as 01.01.1993. Therefore, the High Court held that the successful candidate had always been aware of the fact that in the educational certificate and Passports, his date of birth was shown as 01.01.1993 and had accepted the same till the year 2015.

13.2. PW-2, Shri. Mohd. Naseem, Passport Officer, Bareilly, deposed that he had brought photocopies of the documents referred to by the successful candidate at the time of making an application for the issuance of his Passport No. K-7951741 which was issued to him on 13.07.2012 from Bareilly Passport Office. PW-2 deposed that the successful candidate had annexed a copy of his birth certificate issued by the Health Department/Municipal Corporation, Rampur, on 28.06.2012, along with a copy of his online application form, a copy of a pass book pertaining to his bank account held with State Bank and a copy of his old Passport No. F-8757022 issued on 28.08.2006 which was valid till 31.12.2010. To a question whether self-attested copies of documents submitted by an applicant are maintained in the records, PW-2 deposed that original copies are returned and self-attested copies are scanned.

13.3. When a question was posed as to whether by modifying the particular entry of date of birth in the successful candidate's old Passport No. K- 7951741, a new Passport No. Z-4307442 after mentioning his date of birth as 30.09.1990 was issued to him on 10.01.2018, PW-2 deposed that he was not in a position to answer the question as each application was available separately in the P.S.P. system. He deposed that in compliance of the Court's order, he had brought only the available record of Passport No. K-7951741 and if after that a new Passport No. Z-4307442 was issued, he would have to check from the system. That he would be able to present records pertaining to Passport No. Z- 4307442 on the next date fixed by the Court, if the same had in fact been issued.

13.4. Further, on perusal of Ex. P-1, paper No. A-49/1-4, which is the Passport application dated 06.07.2012 made by the successful candidate, I am of the opinion that the same is made under his own signature and records his date of birth as 01.01.1993, and place of birth as Rampur. In that background, it is necessary to examine whether the information entered in the Passport application dated 06.07.2012, would amount to proof, as to the contents of such application, including the date and place of birth entered therein.

13.5. I am of the view that great evidentiary value has to be attached to an application submitted to a government establishment or Office, such as a Passport Office and the details entered in such application, together with the documents submitted therewith, must be understood to be tendered by the applicant who signs the application form thereby accepting that the information submitted therein is true and correct and to the best of his knowledge. I find that the successful candidate herein, having signed the application form dated 06.07.2012 wherein it has been expressly entered

that his date of birth was 01.01.1993 and place of birth was Rampur, cannot, at a later juncture claim that he was unaware, till the year 2015 that his date of birth as per various documents was 01.01.1993 and his place of birth was Lucknow. The fact that the successful candidate self-attested the birth certificate issued by the Municipal Corporation, Rampur, wherein his date of birth has been recorded as 01.01.1993, would establish that the successful candidate acknowledged, accepted and sought to rely on such fact in order to secure a Passport on the basis of such information. It is therefore not open to the successful candidate to subsequently resile from the aforesaid clear admission and contend that he was unaware that an 'incorrect' date of birth was recorded in certain documents. Having admitted the fact that his date of birth was 01.01.1993 and place of birth was Rampur, in the application form dated 06.07.2012 which was at an undisputed point of time, the successful candidate cannot resile from the same.

13.6. I also take note of the fact that the successful candidate had travelled to many foreign countries on his Passports which were obtained in the year 2006 and 2012 and the visa which was granted in the year 2014 and in these documents his date of birth was shown as 01.01.1993. I am unable to accept that the successful candidate, who regularly used the Passports obtained in the years 2006 and 2012 for international travel, failed all along, to notice that the date of birth recorded in the Passports was incorrect. I refuse to believe that an educated individual such as the successful candidate herein, had not, in over nine years (2006 to 2015) looked at the first page of his Passport and only later grasped that the date of birth entered therein was 'incorrect' only while he was on the verge of entering politics and contesting an election to the Legislative Assembly.

13.7. Further, I also take note of the deposition of P.W.4. who deposed that all the papers related to Birth Certificate No. 3857, Register No. R.N.P.B. 2012-03857, dated 28.06.2012 had been destroyed in a fire due to a short circuit on 08.05.2015 in the office of Nagar Palika Parishad, Rampur and that no papers pertaining to a period prior to such date were available in the Office of Nagar Palika Parishad, Rampur. That such documents were available only in a computer-generated form and a copy of Birth Certificate No. 3857, Register No. R.N.P.B. 2012-03857, dated 28.06.2012 was produced wherein the successful candidate's date of birth was recorded as 01.01.1993.

13.8 The stand taken by the successful candidate that all documents pertaining to the Birth Certificate dated 28.06.2012 were burnt due to a short circuit on 08.05.2015 in the office of Nagar Palika Parishad, Rampur, would suggest that the said birth certificate, wherein the date of birth of the successful candidate was recorded as 01.01.1993 came to be later cancelled under suspicious circumstances. It is rather strange that a birth certificate pertaining to the year 1993, was destroyed in the year 2015 under peculiar circumstances, at a time when the successful candidate was making several efforts to get his date of birth changed in various records. It is rather unbelievable that just when the successful candidate began assuming an active role in politics and undertook various efforts towards correcting his date of birth in several records, *i.e.*, in the year 2015, the birth certificate and relevant documents pertaining to the said certificate, wherein the date of birth of the successful candidate was recorded as 01.01.1993 came to be destroyed in a fire and was accordingly cancelled.

13.9. It is further noted that an application seeking a birth certificate was made on 28.06.2012 bearing No. RNPP 2012-03857 to the Nagar Palika Parishad, Rampur and on the same date, birth certificate was issued to the successful candidate showing the date of birth as "01-Jan-1993". The place of birth was shown as "घेर मीर बाज खा, जेल रोड, रामपुर". The said address is shown to be the address of his parents at the time of birth of the child *i.e.*, the successful candidate as well as the permanent address of parents. The inference to be drawn from the said document is that in the year 2012, the petitioner consciously applied to Nagar Palika Parishad, Rampur for obtaining the birth

certificate in order to append the same for obtaining a new Passport. The further inference that I draw from the said document is that the successful candidate has sought his birth certificate from the Nagar Palika Parishad, Rampur as he was born at Rampur and the birth certificate clearly indicates that he was born on 01.01.1993. Subsequently, the said birth certificate was cancelled. PW-4 has deposed that all the documents relating to the issuance of birth certificate to the successful candidate were destroyed in fire on 08.05.2015 which is indeed strange and mysterious as by then the successful candidate had already obtained “duplicate” birth certificate from the Municipal Corporation, Lucknow.

ii) Re: Educational Certificates of the successful candidate:

14. As per the Secondary School examination Class X certificate (Exhibit P4, paper no. A-25/1) issued in the year 2007 by the C.B.S.E., the successful candidate's date of birth has been recorded as 01.01.1993. The High Court has observed that the stand taken by the successful candidate in this regard is that he came to know that his date of birth was ‘incorrectly’ mentioned as 01.01.1993 in the Certificate of Secondary School Examination (Class X) only in the year 2015 when he was scrutinising his educational records, was unbelievable and untrue.

14.1. As regards the successful candidate's educational records, which record his date of birth to be 01.01.1993, his version is that due his father's busy social and political life, his father's friend Shahzeb Khan (DW-9) got him admitted in the Nursery Class of St. Paul School, Rampur. It is the successful candidate's case that his date of birth was incorrectly recorded as 01.01.1993 instead of 30.09.1990 and the same continued in all his educational records. That he made an application to C.B.S.E. through the Principal of St. Paul School to change the date of birth mentioned in his records and also sent many reminders to the school and the same were forwarded to the office of C.B.S.E. in Allahabad, however, till date no information had been given to him by C.B.S.E.

14.2. In this regard, D.W.-5 mother of the successful candidate deposed that her family friend Shahzeb Khan (DW-9) took the successful candidate to St. Paul School, Rampur, for his admission in Nursery Class in the year 1995 and wrongly entered the date of birth as 01.01.1993 instead of 30.09.1990 in the admission form. That the successful candidate was born on 30.09.1990 and the date of birth mentioned in his educational record was incorrect. DW-5 was asked if she knew that her son-the successful candidate had mentioned his date of birth in Class X, Class XII, under graduate degree and post graduate degree as 01.01.1993. DW-5 deposed that when her son was in the final year of his graduation, he informed her that the date of birth in his educational record was wrongly mentioned and that the date of birth in other educational records could not be corrected without changing the date of birth mentioned in the Class-X Certificate. Therefore, an application was made to the Principal, St. Paul School Rampur, to correct the date of birth as per the school records.

14.3. DW-9, who is stated to be the person who accompanied the successful candidate to St. Paul School to get him admitted in nursery class was also examined. DW-9 deposed that in the year 1995, he took the successful candidate to St. Paul's School, Civil Lines, Rampur, to get him admitted into the said school. That after completing the admission process, the master who was in charge of giving admission, got the successful candidate enrolled in Nursery class and put his date of birth as 01.01.1993 in the admission form and asked DW-9 to sign it and DW-9 signed the same.

14.4. I am of the view that the version narrated by the successful candidate to explain the ‘error’ in his date of birth, as recorded in all educational records, would not aid the successful candidate's case.

Further, it is to be noted that DW-5-Tazeen Fatima in Paragraph 12 of her Examination-in-Chief and the successful candidate in Paragraph 53 of his written statement had stated that DW-9- Shahzeb Khan, the successful candidate's father's friend, had got him admitted in the nursery class of St. Paul School, Rampur, in the year 1995, and had inadvertently mentioned the date of birth of the successful candidate as 01.01.1993. However, DW-9- Shahzeb Khan, in Paragraph 5 of his Examination-in-Chief has deposed that the master had written the date of birth of the successful candidate in the admission form. Therefore, I am not inclined to attach much weight to the statements of either DW-5 or DW-7 in this regard as they are inconsistent with each other.

14.5. It is further noted that the successful candidate has emphatically stated that his date of birth is 30.09.1990 and not 01.01.1993 and that an erroneous date was given at the time of his admission to nursery class in the year 1995. This would mean that the successful candidate was sought to be admitted in nursery class when he was about 5 ½ years of age which is not believable as he would be over-aged for that class. On the other hand, if he was born on 01.01.1993, it is possible that at 2 ½ years he would have been admitted to nursery class which is the right age to get admission in nursery. Further, the successful candidate has completed his 10th standard in the year 2007 and his 12th standard in the year 2009 which would mean that the successful candidate was about 14 ½ years when he completed his 10th standard and 16 ½ years when he completed his 12th standard which is the normal age to do so. If according to the successful candidate his actual date of birth is 30.09.1990, the inference is that he would have been about 17 ½ years when he completed his 10th standard and 19 ½ years when he completed his 12th standard which is improbable. Also, there is no explanation on record as to why at a belated age he has completed his 10th standard and intermediate examination in the year 2009.

14.6. D.W.-7 who is the Director of St. Paul School, Rampur, was also examined to prove the version narrated by the successful candidate. He deposed that the successful candidate addressed a letter dated 23.03.2015 to the school stating therein that in the year 2015 he came to know that his date of birth was incorrectly entered in his educational certificates as 01.01.1993 whereas his actual date of birth was 30.09.1990 and he requested DW-7 to make the necessary changes. He in turn forwarded the letter dated 23.03.2015 to the Regional Office, C.B.S.E., Allahabad, along with a letter issued by him to the Regional Office, C.B.S.E., dated 15.04.2015 wherein he had requested C.B.S.E. to correct the successful candidate's date of birth. Also, he had sent two reminders to the Regional Office, C.B.S.E., Allahabad, on 19.05.2015 and 21.09.2015 stating that in the register of birth and death and the Birth Certificate provided by the Hospital, the date of birth of the successful candidate was shown as 30.09.1990 and therefore, it should be changed from 01.01.1993 to 30.09.1990. Further, in the reminders, DW-7 stated that in the register of birth and death and the Birth Certificate provided by the Hospital, the date of birth of the successful candidate was shown as 30.09.1990 and therefore, the date of birth in the educational records should also be changed from 01.01.1993 to 30.09.1990.

14.7. It is further noted that on the request made on behalf of the successful candidate, several letters were addressed by the Principal of St. Paul School, Rampur to the Regional Officer, Central Board of Secondary Education, Allahabad requesting for permission to correct the date of birth of the successful candidate. Further, the said permission was not granted and on 30.10.2017, a letter was addressed to the mother of the successful candidate – DW-5 stating that the matter was twenty years' old and it was not possible for the school to trace the required details. This would imply that the school records continue to show the date of birth of the successful candidate as 01.01.1993 and on that basis the other educational records of the successful candidate also indicate his date of birth as 01.01.1993. On perusal of the application seeking Passport application form submitted by the

successful candidate, it is noted that his date of birth and place of birth have been mentioned as 01.01.1993 and at Rampur. Further, two references given by him are Rafi Raja Khan and Rizwan Mohammad Khan also residing at Ghair Meer Baaz Khan, Jail Road, Rampur. The permanent residential address details of the successful candidate were also shown as Ghair Meer Baaz Khan, Jail Road, Rampur, Ganj, Uttar Pradesh. This would imply that in the school records, the date of birth of the appellant continues to be 01.01.1993 and his place of birth as Rampur.

14.8. But since DW-7 in his request made to the C.B.S.E. relied on the entry made in the register of birth and death and the Birth Certificate provided by the Hospital, it is necessary to examine whether the said register and the hospital records were genuine and can be relied upon. Accordingly, such questions are examined in the following section of the analysis.

iii) Re: Whether the Birth Certificate bearing Registration No.>NNLKO-B- 2015-292611 issued on 21.01.2015 by the Nagar Nigam, Lucknow, was a valid piece of evidence?

15. To ascertain the validity of the birth certificate bearing Registration No.>NNLKO-B-2015-292611 issued on 21.01.2015 by the Nagar Nigam, Lucknow, the High Court placed reliance on the following documents: a) (Ex. R-12 A- 96/1-5), b) (Ex. R-12 A-96/3), c) (Ex. 12 Paper No. A-96/4-5)

15.1 On perusal of the aforesaid documents and the original hospital file relating to the issuance of birth certificate of the successful candidate, produced by DW-2, it is observed that the file merely contained an application and an affidavit (Ex. R-12 A-96/1-5) dated 17.01.2015 made by the successful candidate's mother to the City Health Officer, Nagar Nigam, Lucknow, for the issuance of a birth certificate and a computer generated sheet (Ex. R-12 A-96/3) which contained particulars of registration of birth of the successful candidate.

15.2. The High Court further noted that the birth register (Ex. 12 Paper No. A- 96/4-5) adduced by DW-2 was neither authenticated nor certified by any competent officer and was not even paginated. That DW-2 in her cross-examination had admitted that the Birth Register was maintained by a clerk and was not in the prescribed format as per the mandate of the 1969 Act, and the same had not been authenticated or verified by a competent official. Further, the Birth Register was not paginated and the entry of the name of the successful candidate's mother was not made in a chronological order. DW-2 further testified that the Birth List maintained by the hospital, on the basis of which birth entry is made in the birth register maintained by the municipality, was not available. On the basis of the afore-stated oral and documentary evidence, the High Court held that the Birth Register (Ex. 12 Paper No. A-96/4-5) was a clear case of manipulation and interpolation, as the entry of the successful candidate's date of birth and name was inserted in the small space at the bottom of the page showing it to have been made on 30.09.1990. It was also noted that the successful candidate's entry in the Birth Register did not bear any signature or an order of any authority of the Nagar Nigam, Lucknow, or the Sub-Divisional Magistrate; the High Court, therefore held that the entry of the successful candidate's name was not made on 30.09.1990 and that the said entry was an interpolation.

15.3. The High Court, on perusal of the affidavit (Ex. R-12 A-96/1-5) dated 17.01.2015 made by Dr. Tazeen Fatima (DW-5), mother of the successful candidate while seeking issuance of the duplicate birth certificate, held that the successful candidate's mother in the said affidavit had concealed the fact that another Birth Certificate (Ex. P-3 Paper No. A-80/1) issued by the Nagar Palika Parishad, Rampur, existed and was subsequently cancelled on 30.01.2015.

15.4. It is further observed that the mother of the successful candidate made an application to the City Health Officer, Nagar Nigam, Lucknow, for the issuance of the birth certificate on 17.01.2015, after twenty-five (25) years of the birth of the successful candidate and the same was

endorsed by an officer of the Nagar Nigam, Lucknow, on 19.01.2015 and immediately thereafter *i.e.* two days later, a certificate was issued to the successful candidate on 21.01.2015. That the birth certificate was issued without following the mandatory provisions of Section 13 of the 1969 Act. Also Rule 9 of the U.P. Registration of the Birth and Death Rules, 2002 and Section 13(3) of the 1969 Act, provided that any birth or death which had not been registered within one year of its occurrence, shall be registered only on an order made by a Magistrate of First Class or a Presidency Magistrate after verifying the correctness of the birth or death and upon payment of the prescribed fee. Rule 9(3) of the U.P. Registration of the Birth and Death Rules, 2002, provided that any birth or death which had not been registered within one year of its occurrence, shall be registered only on an order of the Sub- Divisional Magistrate and after payment of a late fee of Rs. 10/-. I am therefore of the view that, the Nagar Nigam, Lucknow, had no jurisdiction to register the birth of the successful candidate after twenty-five years from the date on which he was stated to be born by the issuance of the Birth Certificate on 21.01.2015 (Ex. P-2 Paper No. A-63/1) without an order of the Sub-Divisional Magistrate as required under Section 13(3) of the 1969 Act, read with Rule 9(3) of the U.P. Registration of the Birth and Death Rules, 2002. In fine, it is held that the birth certificate (Ex. P-2 Paper No. A-63/1) issued by the Nagar Nigam, Lucknow, on 21.01.2015 was null and void.

15.5. From the impugned judgment, it is further noted that the entry with respect to the successful candidate's date of birth in the Birth Register, showing it to be 30.09.1990, was inserted in all probability in the year 2015. The High Court took note of the fact that the birth certificate was issued to the successful candidate on 21.01.2015 by the Nagar Nigam, Lucknow, and at that time, the father of the successful candidate was a Cabinet Minister of the Department of Urban Development and Local Bodies and the Nagar Nigam, Lucknow, came under his Ministry. The High Court was therefore of the view that the entry in the birth register was a result of undue pressure on authorities by the interested parties and was clearly manipulated. The High Court therefore, held that the evidence adduced by Dr. Tazeen Fatima (DW-5), mother of the successful candidate and by DW-10- the successful candidate, was false and wholly untrustworthy.

15.6. In order to ascertain the validity of the Birth Certificate bearing Registration No. NNLKO-B-2015-292611 issued on 21.01.2015 by the Nagar Nigam, Lucknow, regard must be had to the request letter addressed by the mother of the successful candidate - DW-5 – Tazeen Fatima dated 19.01.2015 to the City Health Officer, Nagar Nigam, Lucknow, for the issuance of a birth certificate to the successful candidate and the copy of the Birth Register maintained by the Nagar Nigam, Lucknow, in which entry in the name of the successful candidate was made on 30.09.1990.

15.7. DW-2 Dr. Archana Dwivedi, Additional Principal Commissioner, Lucknow, deposed that as per the Court's order dated 27.05.2019, she had brought the original birth certificate of the successful candidate issued on 21.01.2015 and the Birth Record of Queen Mary's Hospital from 01.01.1990 to 31.12.1990. She admitted that the register/hospital's birth record did not contain page numbers nor had it been certified by any competent officer or been attested. DW-2 placed before the Court the relevant entry in the hospital birth record which pertained to Tazeen Fatima's delivery on 30.09.1990. In the course of cross-examination, on being asked whether it was necessary to maintain the birth register in the format laid down in 1969 Act, DW-2 answered in the affirmative; however, in response to the question as to whether the birth register produced by her in Court was in the prescribed format, she answered in the negative. When asked on what basis the entry was made in the birth register on 30.09.1990 and whether she had brought any papers related to it, DW-2 deposed that the entries in the birth register were made according to the birth list provided by the hospital, however, the said list was not available to be produced before the Court.

15.8. Answering a question as to, after how many days of making the related entries in the birth Register, the birth certificate is issued, DW-2 deposed that the birth certificate is issued when an applicant addresses a request letter and the birth is registered immediately after receiving a birth list from the hospital.

15.9. It is noted that the birth certificate dated 21.01.2015, is said to have been issued by the Nagar Nigam, Lucknow, on the strength of the entry made in the birth register maintained by the Queen Mary's Hospital, Lucknow, wherein it was recorded that the successful candidate's mother delivered a male child on 30.09.1990. As per the testimony of DW-2, entries in birth register are made according to the birth list provided by the hospital. Therefore, in order to give any finding as to the validity of the birth certificate dated 21.01.2015, issued by the Nagar Nigam, Lucknow, the validity of the antecedent documents, such as the birth register and birth list maintained by the hospital, on the strength of which the birth certificate dated 21.01.2015 was issued, needs to be examined.

15.10. As is evident from the relevant portion of DW-2's cross examination, although the birth register was to be maintained in the format prescribed in this regard in the 1969 Act, such format was not followed in the present case, while recording the entry pertaining to the successful candidate's birth on 30.09.1990. Further, while it is stated that such entry was recorded in the birth register on the basis of a birth list maintained by the hospital, it is admitted that the birth list pertaining to the successful candidate's birth is not available. This means, the basis of making the entry in the birth register maintained by the municipality was not available.

15.11. These facts are to be further considered in light of the finding of the High Court to the effect that the entry pertaining to the successful candidate was inserted in a small space at the bottom of the page, in the birth register, showing it to have been made on 30.09.1990.

15.12. It is also noted that in the relevant column of the birth register, the successful candidate was recorded as a 'Hindu'. This would further strengthen the case of the election petitioner that the successful candidate's details were subsequently added in a space in the register, which originally pertained to some other birth.

15.13. In light of the aforesaid discussion, I am of the view that no weight can be placed on the birth certificate dated 21.01.2015, issued by the Nagar Nigam, Lucknow, which is stated to be issued on the strength of an entry made in the birth register maintained by the hospital and is created by manipulation and interpolation in the relevant hospital records. It is therefore held that in the absence of any explanation as to why the relevant birth list, forming the basis of the entry in the birth register, was not available to be produced before the Court, no evidentiary value can be attached to the birth register. It is consequently held that the birth certificate dated 21.01.2015, issued by the Nagar Nigam, Lucknow on the strength of such documents, cannot be held to be a valid document.

15.14. It is also to be noticed that Birth Certificate showing the date of birth of the successful candidate as 01.01.1993 was still holding the field and valid and thus till the same was cancelled subsequently, the successful candidate had two Birth Certificates showing his date of birth at two different places and on two different dates, namely, one on 01.01.1993 at Rampur and another on 30.09.1990 at Lucknow which clearly indicates that only one Birth Certificate was valid and correct as far as successful candidate's date of birth is concerned. In my view, the certificate showing the date of birth of the successful candidate as 01.01.1993 at Rampur is the correct certificate and not the one subsequently obtained in the year 2015.

15.15. In light of the above discussion, the finding of the High Court as to the invalidity of the birth certificate dated 21.01.2015, issued by the Nagar Nigam, Lucknow, is affirmed.

iv) Re: Proof of Birth on 30.09.1990 on the basis of entries in Hospital records and Oral Evidence:

16. DW-3-Dr. Uma Singh, Senior Gynaecologist, Queen Mary's Hospital stated that she had brought with her, the relevant labour room register and operation theatre register (O.T. Register). Referring to page no. 225 of the Labour register (M.L.R.) annual no. 1826 monthly no. 257, she deposed that the entry pertained to Dr. Tazeen Fatima, successful candidate's mother and as per the said entry she delivered a male child on 30.09.1990 at 3:43 a.m. She also stated that she had signed and issued the duplicate birth certificate dated 21.04.2015 (A-37). In answer to a question as to the authority which issues birth certificates in Queen Mary's Hospital, DW-3 stated that duplicate birth certificates are issued by the person nominated by the Department Head. As regards the procedure for issuance of duplicate birth certificates, DW-3 deposed that an application requesting for a duplicate birth certificate is to be made to the Chief Medical Superintendent of King George University who would thereafter forward the same to the Department Head who would issue the duplicate certificate. DW-3 answered in the negative when asked whether she had brought to the Court the application forwarded by the Chief Medical Superintendent for the issuance of the duplicate birth certificate. While DW-3 stated that it was the responsibility of the Chief Medical Superintendent to inform the Municipal Corporation about the birth of a child, she stated that she was unable to confidently say whether the information of the children born on 30.09.1990 was sent to the Municipal Corporation.

16.1. Referring to the relevant entry in page No. 174 of emergency O.T. register Annual No. 5097 and monthly no. 512, DW-3 was asked whether there was any overwriting on it and she answered in the affirmative. On being questioned whether the entries made in page no. 225 of M.L.R. register matched the entries made in the pages of other annual numbers; DW-3 answered that they '*do not match totally*'.

16.2. Replying to a question as to whether, as per the hospital record presented before the Court it could be said that a male child was born in the hospital on 30.09.1990, DW-3 stated that the register affirms that '*related lady*' gave birth to a male child on 30.09.1990. However, DW-3 answered in the '*negative*' when questioned as to whether she could definitely say that the male child born on 30.09.1990 as per the register brought by her was the successful candidate.

16.3. A question was put to DW-3 by the High Court as to whether, the E.O.T. and M.L.R. registers which DW-3 brought with her were attested or signed by any Officer or Department Head of Queen Mary's Hospital or King George University and whether the entries in the said registers or any page was signed or counter-signed by any Officer or Department Head of the Hospital and whether the registers were authenticated by any Officer or Department Head. DW-3 deposed that both the registers were not authenticated by any Officer of Queen Mary's Hospital or King George University and were not attested. DW-3 deposed that she had neither made the relevant entries in the register nor had she signed them. On being asked as to on what basis she could say that the entries in the register were genuine given that the same were neither made nor signed by her, DW-3 stated that she had stated that they were genuine on an understanding of the working procedure of the hospital.

16.4. On a consideration of the aforesaid documentary evidence in light of the depositions of DW-3, the High Court observed that Page No. 174 of the E.O.T. Register of Queen Mary's Hospital, Lucknow, (Ex. R-4 Paper No. A-100/1-2) containing entries of the admission of patients on 29.09.1990, which showed that the mother of the successful candidate, Tazeen Fatima, was admitted in the hospital and gave birth to a male child, was not trustworthy as contents had been struck out and there was overwriting on the name of "Tazeen Fatima" on the relevant page of the E.O.T.

Register. That the entries made in Column 13 and Column 16 did not contain material particulars as shown in entries on the same page pertaining to other patients. The High Court also noticed that the entry in the relevant page of the E.O.T register did not match with the entries in Page No. 225 of the M.L.R. Register (Ex. R-5 Paper No. A- 101/1-2). That there was overwriting on the name of “Mrs. Tazeen Fatima” on the relevant page of the M.L.R. Register and that the relevant page of the M.L.R. Register did not contain the date of admission and registration number. The High Court also observed that the period of pregnancy was recorded in the M.L.R. as 38 weeks as against the period of 32 weeks recorded in the E.O.T register. That the entry in the E.O.T. register was made in the name of one “Tazeen Fatima” while in the M.L.R. register it was made in the name of “Mrs. Tazeen Fatima” and the same was in a different hand writing and a different pen was used as compared to other particulars.

16.5. It was further noted that the fact that the contents were scored out and overwritten in the above-mentioned registers was admitted by DW-3-Dr. Uma Singh, Sr. Gynaecologist, Queen Mary’s Hospital, (Department of Obst. & Gyno.) in her oral evidence dated 31.07.2019.

16.6. From the deposition of DW-3-Dr. Uma Singh, it is noted that she had stated that the aforesaid two registers were neither authenticated nor signed by any officer or doctor of the hospital and that the entry pertaining to the birth on 30.09.1990 was not signed by her. DW-3 had further deposed that she could not say whether the child born on 30.09.1990 as mentioned in the above registers was the appellant herein. DW-3 further deposed that it was the responsibility of the Chief Medical Superintendent to give information pertaining to the births to the Nagar Nigam, Lucknow, and that she was never given this responsibility and that there was no post of Chief Medical Superintendent in the hospital. Further, DW-3 stated that the above- mentioned registers were maintained by a clerk, and the concerned clerk was not produced by the successful candidate to prove the alleged entries made in the above-mentioned registers. Further, DW-3-Dr. Uma Singh could not produce the application made by the mother of the successful candidate, to her, for the issuance of a duplicate birth certificate.

16.7. More significantly, DW-3 who is said to have delivered the successful candidate on 30.09.1990 could not categorically say that the male child that she delivered was indeed the successful candidate. Thus, there is no clinching evidence in this regard despite the documents sought to be produced, which in any case have not been rightly believed by the High Court owing to overwriting, interpolation etc. and DW-3 not being able to categorically state that successful candidate was delivered by her on 30.09.1990. Therefore, in my view the evidence of DW-3 does not, in any way further the case of the successful candidate.

16.8. DW-4, Dr. Vineeta Das is stated to be the doctor who issued the Duplicate Birth Certificate on 21.04.2015. Referring to Document A-37 (Duplicate Birth Certificate issued on 21.04.2015) DW-4 was asked whether the same had been signed by her, she answered in the affirmative. As to the contents of Document A-37, DW-4 deposed that it was a duplicate birth certificate which was issued on 21.04.2015 by the Gynaecology Department of the hospital she worked at. DW-4 further deposed that in the first column, it had been recorded that the birth certificate pertained to the baby of Tazeen Fatima, the sex and caste of the child *i.e.*, Male and Muslim, were also recorded; in the second column the name of the mother, Smt. Tazeen Fatima was written and in the third column; father’s name *i.e.*, Mohd. Azam Khan was written; and in the fourth column, the grandfather’s name was written. DW-4 deposed that in the next line, the date and time of delivery *i.e.*, 30.09.1990 at 3:43 a.m. were mentioned.

16.9. On being questioned as to the procedure that is followed for issuing a duplicate birth certificate, DW-4 stated that the Chief Medical Superintendent, King George Medical University sends a letter to the Head of Department who in turn appoints a Medical Consultant for the issuance of duplicate birth certificates and after that the clerk makes the duplicate birth certificate which has to be signed by the Head of Department.

16.10. On being questioned whether the entries made in Page no. 174 of Manual No. 5097 were made by her, DW-4 answered in the negative.

16.11. On appreciating the above statements in light of the documents referred to above, it is noted that DW-4 in her cross-examination had deposed that birth certificate was issued in the instant case on an application received by the Chief Medical Superintendent but she could not name the medical consultant nominated to prepare the duplicate birth certificate nor could she produce any document relating thereto.

16.12. The High Court observed that the entries in the E.O.T. register (Ex. R-4 Paper No. A100/1-2) and in the M.L.R. register (Ex. R-5 Paper No. A101/1-2) could not be proved to be genuine by the successful candidate and that he failed to establish that he was the child born on 30.09.1990, as recorded in the aforesaid registers.

16.13. The High Court therefore rightly held that the successful candidate could not prove that he was born on 30.09.1990 at Lucknow and the evidence adduced by the mother of the successful candidate (DW-5) regarding the alleged birth on 30.09.1990 could not be relied upon in the absence of other corroborative evidence.

16.14. In furtherance of the RTI application dated 31.08.2017, filed by the successful candidate (during the pendency of the Election Petition before the High Court) seeking information as to his date of birth, DW-4- Dr. Vineeta Das issued a letter (Ex. R-9 Paper No. A42/3) dated 12.09.2017, to the Public Information Officer/Chief Medical Superintendent of King George Medical University, Lucknow, wherein she had stated that the successful candidate was born on 30.09.1990. Upon perusal of the letter dated 12.09.2017, it is observed that the correctness of the contents of the said letter was completely lost in view of the fact that in the relevant page of the E.O.T. Register (Ex. R-4 Paper No. A100/1-2) and in the relevant page of the M.L.R. Register (Ex. R-5 Paper No. A101/1-2), there was no mention of the name of the successful candidate. Thus, the birth of the successful candidate (dated 30.09.1990) could not be related to those entries. The High Court further observed that DW-4 in her cross-examination had stated that she was neither related to the delivery of the successful candidate nor had she made the entries in the E.O.T. Register. The High Court therefore observed that, without there being any record present with DW-4, it was wrong on her part to certify that the successful candidate was born on 30.09.1990 in Queen Mary's Hospital, Lucknow.

16.15. Based on the above reasoning, the High Court was rightly of the view that the evidence given by DW-3- Dr. Uma Singh and DW-10- the successful candidate could not establish that he was born on 30.09.1990 in Queen Mary's Hospital, Lucknow.

16.16. It is obvious on a perusal of the E.O.T. and M.L.R. registers that the same are riddled with discrepancies, over-writing and factual inaccuracies. A glaring discrepancy, which would have a material bearing on the successful candidate's case is that the period of pregnancy recorded in the M.L.R. register was recorded as 38 weeks as against the period of 32 weeks recorded in the E.O.T

register. It is also noted that in the M.L.R. register, Mrs. Tazeen Fatima's name alone has been written in a different handwriting and different ink as compared to the rest of the particulars pertaining to such entry. This would indicate that the name of the successful candidate's mother was entered and adjusted into the available space, and corresponding to particulars, which pertained to some other patient in the Registers.

16.17. While DW-3 has deposed that the duplicate birth certificate was issued after the application was made by the successful candidate's mother to the Chief Medical Superintendent of King George University, requesting for it which was forwarded to the department head of the concerned hospital, but D.W.3 could not produce the forwarding letter. No effort was made by the successful candidate to produce the same by procuring it by way of making an R.T.I. application. Therefore, I am not convinced that the due procedure was followed before issuing the duplicate birth certificate dated 21.04.2015. In fact, when enquired about the original birth certificate of the duplicate certificate of the successful candidate, there was no answer given.

16.18. Having already noted that the entries pertaining to the birth of the successful candidate, in the E.O.T. and M.L.R. registers were mired with discrepancies, over-writing and factual inaccuracies, I am unable to ignore the same, especially since both such registers were not authenticated by any Officer of Queen Mary's Hospital or King George University and were not attested. By DW-3's own admission, the only basis on which she was stating that the relevant entries in the registers were genuine was on her understanding of the working procedures of the hospital. This does not inspire much confidence as to the genuineness of the entries made in the registers, which *ex facie* appear to be manipulated.

16.19. Further, it is noted from the Labour Room Register that the doctor who attended DW-5-the mother of the successful candidate at the Queen Mary's Hospital was Prof. (Dr.) A. Harish and not Dr. Uma Singh. Dr. A. Harish has not been examined in the matter.

16.20. I, therefore, am not inclined to place much weight on the testimony of DW-4, as she had not made the entries in the E.O.T. Register. Therefore, her statements are not persuasive.

I, therefore, affirm the findings and decision of the High Court *qua* this issue also.

v) Re: Medical Examination Report of the successful candidate:

17. The High Court did not accept the report of the ossification test, as conclusive proof of the successful candidate's age as the same could not be proved by DW-8, Dr. Satbir Singh Ken, Radiologist, District Hospital, Rampur, who was a part of the Medical Board that determined the age of the successful candidate to be 26 years. The High Court based its decision on the fact that DW-8 could not produce the original medical report or the records pertaining thereto. It was also observed that a bone ossification test would always have to be considered having regard to the fact that the results thereof could differ, by up to two years from the actual age of the person tested, *vide Mukarrab and others vs. State of U.P. (2017) 2 SCC 210*.

17.1. In this background, it may also be noted that DW-8 deposed that in his opinion, there could be a difference of one year between the actual age of the successful candidate and the age suggested in the report of the bone ossification test. That on being asked whether it was correct to say that bone ossification tests could not tell the correct age, DW-8 refused to make any comment and stated that he was only a radiologist and had given only the X-Ray report.

17.2. The aforesaid statements would have to be considered in light of the law relating to the evidentiary value of a bone ossification test. This Court has, in *Mukarrab (supra)*, declared that an ossification test could not be solely relied upon as conclusive proof of age and the said test is by no means an infallible or accurate test to determine the correct number of years of a person's life. The general rule for determining the age is that it can vary plus or minus two years and that the date of birth of a person is to be determined on the basis of the material on record and on appreciation of evidence adduced by parties. It has therefore been authoritatively laid down by this Court that the report of an ossification test can, at most, be used to corroborate other relevant evidences, oral or documentary. Even so, relying on the aforesaid case, the High Court had rightly observed that if the margin factor of (plus or minus) two years is applied to the case of the successful candidate, it could also mean that in the year 2017 the age of the successful candidate was 24 years which would indicate that he was born in the year 1993.

17.3 In that background, I am of the view that the medical examination report of the successful candidate dated 27.01.2017 based on an ossification test conducted, wherein his age was recorded to be twenty-six years at the relevant time, cannot be accepted as conclusive proof of his age and the same would not hold any water. This is especially so when other documents such as matriculation certificate, date of birth certificate issued by the Nagar Palika Parishad, Rampur and Passports, which have been acknowledged by this Court on various occasions to serve as proof of date of birth are in fact available in the instant case but the date of birth recorded in the said documents is contrary to the result of the ossification test. While I may have been inclined to place some weight on the result of the ossification test, in case other documents which would serve as proof of age were not available, I am unable to accept the same in the instant case. This is because other documents which would serve as proof of age are available and the date of birth recorded in such documents is contrary to the result of the ossification test. Therefore, I affirm the findings and decision of the High Court *qua* this issue also.

vi) Re: Declaration of the successful candidate's mother while submitting the G.I.S. Nomination Form:

18. This issue pertains to the evidentiary value of the contents of the G.I.S. (Group Insurance Scheme) nomination form which formed a part of the Service Book (Ex. R-11 Paper No. A95/1-34) of the successful candidate's mother, which is relied upon by the successful candidate. In Paper No. A95/25 of the said Service Book is the G.I.S. Nomination Form of the mother of the successful candidate, which records, *inter-alia*, that on 26.04.2001, she had nominated the appellant-successful candidate and two other family members under the Group Insurance Scheme by stating their respective age as on the aforesaid date. In the said form, the age of the successful candidate is stated as eight years as on 26.04.2001.

18.1. The High Court observed that DW-1- Dr. Shailendra K. Tiwari, Assistant Director of Higher Education, Prayagraj, U.P., brought the successful candidate's mother's Service Book (Ex. R-11 A95/1-34) which contained the G.I.S. (Group Insurance Scheme) Nomination Form (Ex. R-11 A95/25) which was signed by the mother of the successful candidate on 26.04.2001. The High Court concluded that the successful candidate was born in the year 1993.

18.2. The High Court further observed that the election petitioner had specifically raised this argument in paragraph 12 (iii) of the Election Petition and yet, the successful candidate did not make any averment in this regard so as to explain the detail entered as such in the G.I.S. nomination form.

18.3. The G.I.S. Nomination Form (Ex. R-11 Paper No. A95/25) showed that the successful candidate was only eight years old in the year 2001, which would imply that he was born in the year 1993. Further, such admission on the part of DW-5-Tazeen Fatima at an undisputed point of time would have to be considered as conclusive proof of the fact that the successful candidate was born in the year 1993 and was therefore eight years old in April, 2001 in the absence of any explanation to resile from the said admission. The said G.I.S Form was adduced as evidence by none other than the successful candidate and was also referred to by DW-5-Tazeen Fatima in her cross-examination. However, she did not offer any explanation about the entry as to the successful candidate's age in the said form and had not disputed the said G.I.S. Form which was a part of her Service Book. The successful candidate, having relied on DW-5's Service Book, of which the G.I.S. form is a part, cannot now seek to rely on the same selectively, *i.e.*, on only those details entered in the Service Book/G.I.S. form which would potentially support his case while resiling or disregarding as irrelevant any entry or detail therein which would have an adverse impact on his case.

18.4. This Court has held in *P.C. Purushothama Reddiar vs. S. Perumal (1972) 1 SCC 9* that once a document is properly admitted by the party producing the said document, the contents of that document are also admitted in evidence and no further evidence would have to be let in by the party relying on such admission to establish the fact so admitted *aliunde*.

18.5. The said G.I.S. Form was adduced as evidence at the behest of the successful candidate and the contents of the same were proved by DW- 1-Dr. Shailendra K. Tiwari and were not disputed by DW-5-Tazeen Fatima. Therefore, the successful candidate cannot now be allowed to selectively admit the contents of the same. No attempt was made by the successful candidate to resile from the said admission by offering any explanation as to why reliance could not be placed on the said document when the successful candidate himself was relying on it.

18.6. I, therefore, affirm the findings of the High Court that the G.I.S. Nomination Form (Ex. R-11 Paper No. A95/25) came into existence at an undisputed point of time and is a piece of evidence which proves that the successful candidate was born in the year 1993.

vii) Re: Aadhar Card, Voter I.D. Card and Driving License:

19. This issue pertains to the effect of the following documents of identity, wherein the successful candidate's date of birth has been recorded as 30.09.1990, namely, copy of Aadhar Card, driving licence and Voter ID Card of the appellant-successful candidate. Strong reliance has been placed on the above-listed documents to contend that the date of birth recorded therein is 30.09.1990, which is in accordance with the date of birth reflected in the duplicate birth certificates issued by the Queen Mary's Hospital, Lucknow, and the Nagar Nigam, Lucknow, on 21.04.2015 and 21.01.2015, respectively.

19.1. The High Court, on perusal of the successful candidate's Aadhar Card (Ex. P-2 Paper No. A-66/1), Driving License (Ex. P-2 Paper No. A-67/1) and Voter I.D. Card (Ex. P-2 Paper No. A-68/1) held that the above- mentioned documents are not evidence of date of birth of the successful candidate. It was of the view that the date of birth in the Driving License was corrected subsequently and that the Aadhar Card dated 07.03.2015 and the Voter I.D. Card dated 18.07.2016 were issued on the basis of the date of birth mentioned in the birth certificate dated 21.01.2015 issued by the Nagar Nigam, Lucknow, which had been held to be null and void. Reliance was placed on a judgment of its Court in *Smt. Parvati Kumari and Ors. vs. State of U.P. Thru. Principal Secretary Home & Ors.*

(*Misc. Bench No. 13419 of 2018*) to hold that Aadhar card is a means of identity and not a proof of date of birth. The High Court therefore, held that the above-mentioned documents did not conclusively establish that the successful candidate was above twenty-five years of age on the date of filing his nomination papers or on the date of declaration of result of the legislative assembly election in question.

19.2. I am inclined to affirm the findings of the High Court *qua* this issue also. It is observed so, in light of the fact that the Aadhar card was issued on 07.03.2015, on the basis of the duplicate birth certificate dated 21.01.2015. Having held that the duplicate birth certificate dated 21.01.2015 does not establish the date of birth of successful candidate as 30.09.1990 and that the same was issued under circumstances which are suggestive of manipulation and interpolation of the hospital records, I am of the opinion that the Aadhar card which was issued on 07.03.2015 would also not have any evidentiary value in so far as successful candidates' date of birth is concerned. Further, the driver's licence and voter ID of the successful candidate herein, which were also issued on the strength of the duplicate certificates issued by the Queen Mary's Hospital, Lucknow, and the Nagar Nigam, Lucknow, on 21.04.2015 and 21.01.2015, respectively, would not serve as proof of the successful candidate's date of birth, having regard to the observations in the preceding paragraphs of the discussion as to the proof of the date of birth of the successful candidate being 30.09.1990.

19.3. It is observed that all these documents were secured post 2015, at which time the successful candidate started taking active part in politics. I, therefore, am inclined to observe that the said documents were obtained, merely as a means to corroborate the false claims of the successful candidate as to his date of birth and hence are not worthy of consideration as corroborative evidence for the purpose of proving the date of birth of the successful candidate.

20. I shall now discuss the judgments cited on behalf of the appellant:

a) In *Brij Mohan Singh vs. Priya Brat Narain Sinha (supra)*, on an examination of the entire oral and documentary evidence, this Court held that the election petitioner therein had not been able to prove that the successful candidate therein was below twenty-five years of age on the date of filing of his nomination while the appellant himself also was not able to show that he was at least twenty-five years of age on that date. It was observed that the burden of proving the age was on the election petitioner and when the said burden was not discharged, the election petition must fail.

The aforesaid dictum is of no assistance to the appellant herein as the position with respect to the factual matrix is at variance. Although, the election petitioner herein contended that the successful candidate was less than twenty-five years of age and therefore, was ineligible to contest the Assembly election and the election petitioner had the burden of proving the said fact but the successful candidate took up on himself to prove another fact, namely, that he was born on 30.09.1990 and not on 01.01.1993 and therefore, was above twenty-five years of age. Thus, the burden was on the respective parties to prove their respective cases. On going through the oral and documentary evidence in this case, I find that the appellant herein has failed to prove that he was born on 30.09.1990 in spite of letting in voluminous oral and documentary evidence in view of the discussion and findings arrived at by us. On the other hand, the evidence let in by the respondent-election petitioner, when juxtaposed to the pertinent admissions let in by the appellant herein, has, in my view, enabled the respondent herein to prove his case before the High Court. The

reasoning and conclusion of the High Court in my view is thus, just and proper on the appreciation of the evidence on record in the instant case.

b) In *Birad Mal Singhvi Singh vs. Anand Purohit (supra)*, the question as regards the age of two candidates, namely, Hukmi Chand and Suraj Prakash Joshi was under consideration. The election petitioner therein had examined, *inter alia*, PW-3 and PW-5, being the Principal, New Government High Secondary School, Jodhpur, since 1984 and Deputy Director (Examination) Board of Secondary Education, Rajasthan, respectively. They produced the scholar's register (Ex.-P8) and counterfoil of the Certificate of Board of Secondary Education (Ex.-P9) of Hukmi Chand, respectively, and tabulation record of the Secondary School Examination, 1974, (Ex.-P10). In the documents at Ex.- P9 and P10, the date of birth of Hukmi Chand was recorded as 13.06.1956. Similarly, insofar as Suraj Prakash Joshi is concerned, Ex.-P11 being the tabulation record of Secondary School Examination of 1977 indicated his date of birth as 11.03.1959 and the counterfoil of certificates and the tabulation form recording the same date of birth on the basis of what was mentioned by the candidate in the examination form were produced.

In my view, the aforesaid case would have no relevance insofar as the appellant herein is concerned. No doubt, in the present case also, the fact in issue is with regard to the date of birth of the appellant-successful candidate. While the election petitioner in the instant case stated that it is 01.01.1993 and he has produced documents and let in oral evidence in support of the same, the appellant-successful candidate has stated that his date of birth is 30.09.1990 and in support of this fact, has tried to let in both oral and documentary evidence. While considering the oral and documentary evidence on record, I find that the appellant has failed to prove his case that he was born on 30.09.1990. On the other hand, the evidence on record in the form of oral and documentary admissions produced by the appellant herein when juxtaposed and appreciated with the oral and documentary evidence of the respondent-election petitioner herein indicates that the appellant has failed to prove that he was born on 30.09.1990 while the election petitioner has proved that the appellant herein was born on 01.01.1993. This is because the appellant has not let in evidence to show as to on what basis the birth certificate was issued by the Queen Mary's Hospital in which the appellant was born, as well as the basis on which the other birth certificate had been issued by the Nagar Nigam, Lucknow. This is because the entries made in the EOT register and MLR have no evidentiary value in the absence of the birth list sent by the hospital to the Municipal Corporation which is the basis for registering a birth in the birth register maintained by it. Unless the hospital wherein the child was born sends the birth list to the Municipal Corporation, the issuance of birth certificate by it would have no probative value. The duplicate birth certificates issued by Queen Mary's Hospital and the Nagar Nigam, Lucknow, are *de hors* any basis in the instant case. I infer the same on perusal of the documentary and oral evidence discussed above. Therefore, the appellant herein has failed to prove that he was born on 30.09.1990.

On the other hand, the respondent-election petitioner has produced the relevant evidence of an undisputed point of time to prove that the appellant herein was born on 01.01.1993. Such inference can be made from Ex. P-1 to P-4 in which the date of birth of the successful candidate was shown as 01.01.1993. Although, voluminous documents were produced by the appellant to contradict the same, the fact remains that Ex R-11 being the copy of the service book of Tazeen Fatima Lecturer Political Science, mother of the appellant-successful candidate it was categorically stated that the

appellant herein was eight years of age in the year 2001 as per GIS nomination form submitted by her under her own signature on 26.04.2001. This critical admission made in the service book stating that the appellant herein was eight years of age in 2001 has not been explained nor any attempt has been made to contradict or resile from the same.

The factual matrix in the aforesaid case would not apply *vis-à-vis* the case at hand as the respondent herein produced certain documents in order to prove that the appellant herein was born on 01.01.1993 and the said fact has been proved by producing the relevant oral and documentary evidence. When the said evidence is appreciated in light of the admissions by the appellant herein, I find that the appellant has failed to prove that he was born on 30.09.1990. In the circumstances, I am of the opinion that the documentary evidence produced by the respondent-election petitioner has cogent and probative value. This is because the said documents are consistent with the admitted documents of the appellant as well as with the admissions made by the appellant himself to the effect that, it was only in the year 2015 that he found out that the date of birth mentioned in his records was shown to be 01.01.1993 and that he was born in Rampur and based on the Birth Certificate issued by Nagar Palika Parishad, Rampur, he had continued his affairs including travelling overseas on Passports and visas issued on the basis of the Birth Certificate issued by Nagar Palika Parishad, Rampur, which showed that he was born on 01.01.1993.

Further, it was only after the commencement of the proceedings in the election petition and the challenge raised to his date of birth that the appellant made attempts to establish that he was born on 30.09.1990 and hence, took steps to get his educational record, Passport and other documents of identity “rectified” so as to make them consistent with his stand as against the election petition. The subsequent alterations made in the documents pertaining to the appellant herein cannot have a bearing on the case since even according to the appellant it was on the basis of the following documents, namely, his Class X Marksheet, his Passport and Visa that the appellant herein was continuing with his activities and identified himself with this date of birth as 01.01.1993 till the year 2015. Therefore, I am convinced that it was only for the purpose of contesting the assembly elections which were held in the year 2017 and being conscious of the fact that he could not do so as he was disqualified on account of being under aged, he took steps to alter his date of birth to 30.09.1990 and made attempts to seek “duplicate” birth certificates from the Nagar Nigam, Lucknow and Queen Mary’s Hospital, Lucknow. Till then, the appellant herein was conscious of the fact that his date of birth in his educational and other records was 01.01.1993 and he used those documents for the relevant purposes that necessitated the usage of the said documents.

Another significant point is that until the document at Ex. P-3 Paper No. A-80/1 was cancelled, the appellant had possessed documents showing two dates of births, one, being 01.01.1993 as having been born in Rampur and the other being 30.09.1990 as having been born in Lucknow. In the circumstances, I am of the opinion that since the basis on which the birth certificate was issued by the Nagar Nigam, Lucknow and Queen Mary’s Hospital, Lucknow, is not brought on record in the form of tenable and probative oral and documentary evidence, the case of the appellant cannot be accepted at all.

By this, it does not mean that respondent herein-election petitioner must fail. I say so for the reason that the appellant herein has produced material to show that he was eight years of age in the

year 2001 (G.I.S. Nomination Form) which is consistent with the case of the election petitioner who has produced documents indicating the date of birth of the appellant-successful candidate as 01.01.1993 and therefore, was not eligible to contest for the election to the legislative assembly in the year 2017.

c) The judgment of this Court in *Narender Singh (supra)* is of no assistance to the appellant herein as evidence on record does not give rise to inferences in favour of the appellant herein.

d) The judgment of this Court in *Joshna Gouda (supra)* is also distinguishable. In the said case, the controversy was with regard to the eligibility to contest for the post of Sarpanch under the Orissa Gram Panchayat Act, 1964, it was contended by the first respondent therein that the appellant therein was not eligible to contest as he had not attained the age of 21 years. Therefore, the Election Petition was filed to seek setting aside of the election of the respondent therein. The appellant therein contested the Election Petition. In the said case, the question was whether the appellant therein was born on 07.07.1985 and not on 20.06.1986 as contended by the first respondent-election petitioner therein. The successful candidate therein had produced Exbs. A to H in support of the fact that she was born on 07.07.1985. The High Court found that Exbs. A and H are voters' list of the years 2007 and 2008 respectively which were prepared later in point of time to the filing of the nomination papers in election in question and they do not reflect the date of birth of the appellant therein. Ex. D being horoscope was rightly not relied upon. Ex. E being a certificate of date of birth issued under the provisions of the Registration of Births and Deaths Act showing the date of birth of the appellant therein as 07.07.1985 but such an entry came to be made pursuant to an application made by the appellant therein subsequent to the nominations in the election in question. Therefore, the High Court refused to place any reliance on the said document also. This Court held that the High Court had rightly refused to believe those documents and the appellant-successful candidate therein had failed to prove her date of birth as 07.07.1985. But that does not automatically lead to the conclusion that the assertion of respondent No. 1 therein that the actual date of birth of the appellant therein is 20.06.1986 was proved. It was observed by this Court that the burden to prove the fact that the appellant therein was born on 20.06.1986 rested squarely on the election petitioner. In that regard, reliance was placed on Section 101 of the Evidence Act. It was further observed by placing reliance on *Robins vs. National Trust Company 1927 AC 515* which is to the following effect:

“... To assert that a man who is alive was born requires no proof. The onus is not on the person making the assertion, because it is self-evident that he had been born. But to assert that he [had been] born on a certain date, if the date is material, requires proof; the onus is on the person making the assertion.”

This Court held that since the first respondent therein had failed to discharge the burden cast upon him, the Election Petition had to fail on the oral and documentary evidence let in that case. It was held that there was an inconsistency regarding the age of the appellant therein and particularly with reference to her admission in the Upper Primary School and hence, the appeal was allowed and the Election Petition was dismissed. The aforesaid judgment is not applicable to the present case as in the present case there is a clear and unambiguous admission on the part of the appellant through the nomination form being part of the Service Book - (Ex). R-11 paper No. A-95/1-34 and the document produced by the respondent/election petitioner herein. Those documents relate to the

appellant herein and the appellant herein had acted upon those documents until his date of birth was changed to 30.09.1990 in the year 2015. Thus, the judgment in ***Joshna Gouda*** is of no assistance to the appellant herein.

Summary of Conclusions:

a) I am of the view that the appellant-successful candidate was not born on 30.09.1990 and was not twenty-five years old at the time of filing the nomination as the appellant has been unable to prove the said fact despite the voluminous oral and documentary evidence provided on record. In fact, G.I.S. Nomination Form submitted by DW-5 at an undisputed point of time and which is part of her Service Book which is adduced as evidence at the behest of the appellant-successful candidate goes against the case of the appellant. The G.I.S. Nomination Form is in consonance with the Passports and visa issued by the concerned authorities showing the date of birth of the appellant as 01.01.1993 which have been produced by the election petitioner in support of his case. The issuance of the fresh Passport during the pendency of the Election Petition showing the date of birth as 30.09.1990 is of no consequence and cannot be of any assistance to the appellant herein.

Similarly, Class X Secondary School Examination Certificate and Class XII Secondary School Examination Certificate which indicate the date of birth of the appellant as 01.01.1993 even till date, are also in consonance with the earlier Passports and visa documents produced by the respondent-election petitioner herein. In fact, the appellant-successful candidate had relied upon the educational certificates indicating his date of birth as 01.01.1993 and his place of birth as Rampur for the purpose of securing his earlier Passports and visa.

b) Moreover, the stand taken by the successful candidate that all documents pertaining to the Birth Certificate dated 28.06.2012 issued by the office of Nagar Palika Parishad, Rampur, were burnt due to a short circuit on 08.05.2015 would suggest that the said birth certificate, wherein the date of birth of the successful candidate was recorded as 01.01.1993 came to be destroyed and later cancelled were under suspicious circumstances.

c) Further, on a perusal of the E.O.T. and M.L.R. registers, I hold that the same are mired with discrepancies, over-writing and factual inaccuracies and the same cannot be ignored. I am, therefore, of the view that no weight can be placed on the birth certificate dated 21.01.2015, issued by the Nagar Nigam, Lucknow, which is stated to be issued on the strength of an entry made in the birth register maintained by the hospital, which itself is not authentic in the absence of production of the birth list indicating the birth of the appellant on 30.09.1990, and is created by manipulation and interpolation in the hospital records.

d) I am not inclined to place any weight on the result of the ossification test as other documents such as the matriculation certificate, date of birth certificate issued by the Nagar Palika Parishad, Rampur and Passports prove that the age and the date of birth recorded in such documents is contrary to the result of the ossification test.

e) It is further held that the Aadhar card, driver's licence and voter ID of the appellant-successful candidate herein, which were issued on the strength of the duplicate certificates issued by the Queen Mary's Hospital, Lucknow, and the Nagar Nigam, Lucknow, on 21.04.2015 and 21.01.2015, respectively, are not proof of the successful candidate's date of birth as 30.09.1990.

It would be apposite to refer to para 79 of *Sushil Kumar vs. Rakesh Kumar (supra)* which reads as under:

“79. The Election Tribunal while determining an issue of this nature has to bear in mind that Article 173(b) of the Constitution of India provides for a disqualification. A person cannot be permitted to occupy an office for which he is disqualified under the Constitution. The endeavour of the court therefore should be to see that a disqualified person should not hold the office but should not at the same time unseat a person qualified therefor. The court is required to proceed cautiously in the matter and, thus, while seeing that an election of the representative of the people is not set aside on flimsy grounds but would also have a duty to see that the constitutional mandate is fulfilled.”

In view of the aforesaid discussion which has been made after taking into consideration all the material on record, I find that the acceptance of the nomination of the appellant-successful candidate was improper. The findings of the High Court in this regard do not require any interference. Hence, the judgment impugned is affirmed and consequently, the appeal is dismissed. The election of the appellant-successful candidate herein to the Uttar Pradesh Legislative Assembly from 34-Suar Constituency, District Rampur, Uttar Pradesh, is set aside. A certified copy of this decision be sent to Election Commission forthwith.

Parties to bear their respective costs.

.....J.

(B.V. NAGARATHNA)

NEW DELHI

07th NOVEMBER, 2022.

ELECTION COMMISSION OF INDIA

New Delhi, dated 19th January, 2024
29 Pausha, 1945 (Saka)

NOTIFICATION

No. 82/UP-LA/8/2017—In pursuance of clause (b) of Sub-section (2) of Section 116C of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the judgement dated 7th November, 2022 of the Supreme Court of India in Civil Appeal No. 104 of 2020 arising from the judgment dated 16th December, 2019 of the High Court of Judicature at Allahabad, Allahabad in Election Petition No. 8 of 2017.

By order,
PAWAN DIWAN,
Secretary,
Election Commission of India.

By order,
NAVDEEP RINWA,
Special Secretary.

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO(s). 104 OF 2020

MOHD. ABDULLAH AZAM KHAN**.... APPELLANT(S)****VERSUS****NAWAB KAZIM ALI KHAN****.... RESPONDENT(S)****JUDGMENT****Rastogi, J.**

1. Instant appeal has been filed under Section 116A of the Representation of People Act, 1951 assailing the judgment and order dated 16th December, 2019 passed by the High Court of Judicature at Allahabad, holding the election of the returned candidate (appellant) from 34, Suar Assembly Constituency of District Rampur, as void and consequently came to be set aside.

Factual Background of the case

2. The notification under the Representation of the People Act, 1951 (hereinafter referred to as “the Act 1951”) was notified for holding election of U.P. State Legislative Assembly from 34, Suar, District Rampur constituency. Public notice was issued by the Returning Officer fixing the election programme for holding election for the afore-stated constituency. According to the schedule of programme, the appellant and the first respondent along with others filed their nomination papers. The scrutiny of the nomination took place on 28th January, 2017.

3. After scrutiny and withdrawal of nomination papers, the appellant and six others including the election petitioner were the candidates who remained in the field for election. It may be noted that before the Returning Officer, the respondent (election petitioner) filed an objection against the appellant alleging that he is less than 25 years of age and, therefore, is not qualified to contest the election in view of Article 173(b) of the Constitution. The objection was overruled by the Returning Officer and accordingly the election took place as per the schedule, in which the appellant and the respondent (election petitioner) contested along with others. The result of the election was declared on 11th March, 2017 in which the appellant secured highest votes and was declared elected.

4. The respondent filed the election petition before the High Court of Judicature at Allahabad on the solitary ground that the appellant was not qualified to contest the election for member of Legislative Assembly in view of Article 173(b) of the Constitution as he was less than 25 years of age when he filed his nomination papers and also on the day on which he contested the election from 34, Suar Assembly Constituency of District Rampur.

5. In the election petition, the respondent (election petitioner), inter alia, contended that objection as regards the age of the appellant was raised by him in the first instance before the Returning Officer, but the same was rejected without appreciating the bare documentary evidence on record and despite the date of birth of the appellant being 1st January, 1993, which was recorded throughout in his academic records, including his Secondary School Examination Certificate in 2007 from the Central Board of Secondary Education and Intermediate Examination in 2009 from St. Paul’s School, Rampur affiliated to Central Board of Secondary Education, Delhi, the Returning Officer failed to consider the same and arbitrarily overruled the objection raised by him.

6. In the election petition, the following objections were raised and for better appreciation the same are reproduced as under:

- (i) That the appellant was born on 01.01.1993 and, therefore, as on the date of the nomination of scrutiny, the appellant (Mohd. Abdullah Azam Khan) was below 25 years of age.
- (ii) That the appellant (Mohd. Abdullah Azam Khan) appeared in Secondary School (Class – X) Examination in the year 2007. When he appeared for Secondary School examination, his roll number was 5260139. He appeared from St. Paul's School, Rampur, which was affiliated with the Central Board of Secondary Education, New Delhi.
- (iii) That the appellant (Mohd. Abdullah Azam Khan) himself filled-up the admission form and examination form, and in his own handwriting, mentioned his date of birth as 01.01.1993. The record of the appearance and examination of the appellant (Mohd. Abdullah Azam Khan) are available with the Central Board of Secondary Education, New Delhi.
- (iv) That the Central Board for Secondary Education has issued the Secondary School Examination (Class-X) result bearing the roll number, name, mother's name and father's name and date of birth of the appellant (Mohd. Abdullah Azam Khan). As per the certificate, the mother of appellant is Tazeen Fatima and his father is Mohd. Azam Khan. The date of birth as recorded in the certificate of Secondary School Examination (Class-X) results, 2007 of the appellant (Mohd. Abdullah Azam Khan) is 01.01.1993. A copy of the certificate of Secondary School Examination (Class-X) results of the appellant (Mohd. Abdullah Azam Khan) obtained from the Central Board of Secondary Education is enclosed and marked as Annexure-4 to this petition.
- (v) That the appellant (Mohd. Abdullah Azam Khan) appeared in Intermediate examination in the year 2009 St. Paul's School, Rampur. The said papers and records are available with St. Paul's School, Rampur and the Central Board of Secondary Education, CBSE.
- (vi) That the election petitioner has made best efforts to get the admission form, examination form as also documents pertaining to the Intermediate Examination of the appellant (Mohd. Abdullah Azam Khan), but has not been able to get the same. The election petitioner has only been able to get the certificate of Secondary School Examination (Class X) results of the appellant from the Central Board of Secondary Education.
- (vii) That the appellant (Mohd. Abdullah Azam Khan) thereafter joined Galgotias University, Greater Noida for his Master's Degree where he has filled-up form for admission with the same date of birth (01.01.1993). The record of the appellant (Mohd. Abdullah Azam Khan) in respect of his Master's Degree is available with Galgotias University, Greater Noida.

7. Thereafter, in his Master's degree which he passed out from Galgotias University, Greater Noida, including his Passport and other documents annexed with the nomination papers which are within the public domain consistently indicated that he was born on 1st January, 1993.

8. In addition to this, the contention of respondent no.1 before the High Court was that the appellant/returned candidate belongs to a very influential family and his father was a Cabinet Minister (Urban Planning, Development and Local Bodies) in Government of Uttar Pradesh during the period 2012 to 2017 and because of his local influence and being the Minister in-charge, documentary evidence has been created by him in the year 2015, which was thereafter made to be the basis and foundation to justify and support the date of birth of the appellant herein which, as alleged, was wrongly recorded in the school records and the fact is that the records maintained by Queen Mary's Hospital, Lucknow, which indicates that the appellant was born on 30th September, 1990, is a later development and were created in the year 2015 to support that the appellant was qualified to contest election in the year 2017 in terms of the requirement of Article 173(b) of the Constitution.

9. In counter, the appellant in the written statement came with a specific case that the documents on which the election petitioner has relied upon regarding the date of birth based on the school/academic records, although the said documents belong to the appellant but his date of birth is incorrectly and inadvertently registered as 1st January, 1993, as it was recorded by one of their family friends, Shahzeb Khan, DW.9, who got the appellant admitted to St. Paul's School, Civil Lines, Rampur, where his date of birth was incorrectly and inadvertently registered as 1st January, 1993 and that was incorrectly shown throughout in his academic records in Secondary School Examination/Intermediate Examination and also in his higher studies including the date of birth reflecting in the birth certificate issued to him by Rampur Nagar Palika on 28th June, 2012, of 1st January, 1993 which was later cancelled and according to him, the birth certificate issued by Nagar Nigam, Lucknow, on 21st January, 2015 is based on the records maintained by Queen Mary's Hospital, Lucknow, where he was born, his date of birth as per the hospital records is 30th September, 1990.

10. The appellant came with a specific case before this Court that his date of birth reflected in his academic record of 1st January, 1993 was incorrect and that being the reason, the birth certificate issued on 28th June, 2012 by Nagar Palika, Rampur was duly cancelled on 30th January, 2015 and a duplicate certificate of birth dated 21st April, 2015 was issued by Queen Mary's Hospital, Lucknow, where he was born, indicating 30th September, 1990, as the correct date of birth of the appellant and accordingly he was above 25 years of age on the day when nomination form was filled by him for elections of U.P. Legislative Assembly from 34, Suar Assembly Constituency of District Rampur in the year 2017 and on that date the appellant attained the age of 25 years in terms of Article 173(b) of the Constitution for contesting the election of 34, Suar Assembly Constituency of District Rampur.

11. Both the parties placed the documentary as well as oral evidence in support of their respective defences. The High Court after due appreciation of the documentary as well as oral evidence on record and taking note of the submissions made by the parties returned the finding that on the date of filing of nomination papers *i.e.* 25th January, 2017, on the date of scrutiny of nomination papers *i.e.* 28th January, 2017 and on the date of declaration of result of 34, Suar Assembly Constituency of District Rampur *i.e.* 11th March 2017, the appellant was less than 25 years of age and thus, was not qualified to contest the election in terms of Article 173(b) of the Constitution and declared the election of the appellant to be void and consequently it came to be set aside by the impugned judgment dated 16th December, 2019.

Submissions of the Appellant

12. Mr. Kapil Sibal, Senior Advocate appearing for the appellant, submits that there is a statutory presumption of validity of the nomination papers as reflected under para 6 of Chapter VI of the Handbook of Returning Officers, as held by a Three-Judge Bench of this Court in *Rakesh Kumar v. Sunil Kumar*¹ (para 18) and later considered in *Uttamrao Shivdas Jankar v. Ranjitsinh Vijaysinh Mohite Patil*² (paras 35, 40 and 44) and further submits that the school/academic records on which reliance was placed by the election petitioner/respondent and of which cognizance has been taken by the High Court under the impugned judgment was not disputed by the appellant, but the appellant disputed the contents of the document relied upon by the respondent throughout and that can be reflected from the written statement filed by the appellant to the election petition and it was the specific case of the appellant that the date of birth as recorded in his school records *i.e.* 1st January, 1993 is incorrect and wrongly recorded, in fact, he was born on 30th September, 1990 and to support his date of birth, sufficient primary documentary evidence was placed on record which pertains to the authenticated record of Queen Mary's Hospital, Lucknow, which is a Government hospital and followed with the birth certificate issued by the competent authority *i.e.* Nagar Nigam, Lucknow dated 21st January, 2015.

¹ (1999) 2 SCC 489

² (2009) 13 SCC 131

13. To support it further, learned counsel submits that once the contents of the document pertaining to the appellant were disputed specifically in his written statement, the burden was on the election petitioner to prove that the date of birth of the appellant was 1st January, 1993 to which no efforts were made and the premise on which the High Court has proceeded to shift the burden of proof on the appellant is in disregard to the principles of the Evidence Act and the fact as alleged is to be proved by the person who pleads under the Evidence Act and made further following submissions:-

- (i) The appellant has stated his date of birth in his nomination papers as 30th September, 1990 along with supporting documents. Therefore, the burden of proof lies on the election petitioner/respondent to rebut the presumption by adducing admissible and reliable evidence that meets the standard of preponderance of probabilities and the election petitioner/respondent has failed to produce any legally admissible evidence on record so as to discharge his burden of proof.
- (ii) The respondent/election petitioner has failed to produce any direct and admissible evidence to prove that the appellant was born on 1st January, 1993 and was not born on 30th September, 1990 and in support, the only document produced by the respondent/election petitioner is the certificate of Class X Exam which is not a document for proof of age.
- (iii) No other document or witness was produced by the respondent to prove an alternate date of birth of the appellant, or to prove the fact that he was not of 25 years of age at the time of scrutiny of nomination papers.
- (iv) To the contrary, the appellant has adduced sufficient, reliable and cogent oral and unimpeachable documentary evidence which if considered in totality, establishes a preponderance of probabilities that he was above 25 years of age as on 28th January, 2017.
- (v) The best evidence of the date of birth is the testimonial evidence of the mother of the appellant (DW.5) and the doctor who delivered the male child and that is the only direct evidence to support the birth of the appellant on a specific date.
- (vi) The appellant's mother (DW.5) in her affidavit in examination-in-chief has categorically stated that she was a lecturer in Political Science in Govt. Girls PG College, Rampur and she gave birth four times. The children from the first two deliveries in 1982 and 1984 died at the time of birth and the third child born in the year 1985 is her elder son Mohd. Adib and thereafter she again availed third sanctioned maternity leave from 7th August, 1990 to 4th November, 1990 which is duly supported by service book, proved by DW.1 and that acknowledges that she gave birth to a male child on 30th September, 1990 in Queen Mary's Hospital, Lucknow, in maternity department of King George Medical University, Lucknow, a Government Hospital and it is supported with discharge certificate dated 24th October, 1990 (Ex.R7), EOT register (Ex.R4) and MLR register (Ex.R5) duly supported by Dr. Uma Singh (DW.3) and Dr. Vineeta Das (DW.4) who in their oral testimony have supported the delivery of male child to DW.5 mother of the appellant on 30th September, 1990.
- (vii) The appellant has further explained that the incorrect date of birth in the school record was an error committed on the part of the family friend Shahzeb Khan (DW.9) who got the admission of the appellant in the school in 1995.
- (viii) It was further submitted that in the absence of any cross-examination of either of the defence witness or the documents placed on record which are public records stands proved in terms of Section 35 of the Evidence Act and further corroborated by the testimony of DW.5 by her service book, salary register, it was established that the appellant was born on 30th September, 1990 in Queen Mary's Hospital, Lucknow.

- (ix) The impugned judgment fails to consider the established evidence though it provides for proof of documents made in the regular course of business by a person other than the author and fails to consider Section 35 of the Evidence Act which states that documents prepared by an official (public or private) in performance of his duty recorded under law are relevant and admissible.
- (x) That with respect to the finding of manipulation and interpolation as being recorded in the impugned judgment regarding the birth register (Ex.R12), there is no evidence on record to support such a finding. No question was put to DW.2 as to any manipulation or interpolation in the document. In the absence of any evidence, the finding recorded in the impugned judgment is unsustainable.
- (xi) The impugned judgment incorrectly record that Section 13 of the Births and Deaths Registration Act, 1969 and Rule 9 of the UP Registration of Birth and Death Rule, 2002 have not been followed while the birth certificate dated 21st April, 2015 was issued. However, the fact is that the birth of the appellant was registered contemporaneously in the year 1990 in Nagar Nigam, Lucknow and it was only a duplicate certificate of registration which was issued on 21st January, 2015.
- (xii) The documents relied upon by the election petitioner/respondent are not admissible in evidence and in any case are not a proof of date of birth of the appellant on 1st January, 1993.
- (xiii) The school records are not the direct evidence of the fact of birth and on a balance of probabilities, it cannot be given pre-eminence over direct evidence of the mother, delivering doctor and contemporaneously maintained hospital records.
- (xiv) The error in school records was sufficiently explained by DW.5 and accordingly necessary steps were taken by the appellant for correction of the school records by a letter dated 23rd March, 2015 submitted by the appellant to the Regional Officer, CBSE, as proved by DW.7, Arun Joseph Dayal, Director of St. Paul's School, Civil Lines, Rampur.
- (xv) The reliance on the alleged Group Insurance Scheme (GIS) Nomination form in the service book of DW.5 was not an admitted document to establish that the appellant was born in 1993 and this was a serious misappreciation of the evidence on record committed by the High Court.
- (xvi) When confronting a witness as to any previous statement in a document it is mandatory that the said document be pointed out to the witness under Section 145 of the Indian Evidence Act to which no efforts were made by the respondent/election petitioner and at the best it is merely a piece of circumstantial evidence which has no legal backing and cannot establish birth of the appellant on 1st January, 1993.

14. These, according to the appellant, were serious manifest errors which were committed by the High Court in passing the judgment impugned and in support of his submissions, counsel placed reliance on the judgments of this Court in *Brij Mohan Singh v. Priya Brat Narain Sinha and Others*³, *Birad Mal Singhvi v. Anand Purohit*⁴ and *Joshna Gouda v. Brundaban Gouda and Another*⁵ and taking assistance of the judgments of this Court submits that the finding recorded by the High Court under the judgment impugned is not legally sustainable and deserves to be set aside.

³ (1965) 3 SCR 861

⁴ (1988) Supp. SCC 604

⁵ (2012) 5 SCC 634

Submissions of the Respondent

15. Mr. Aadil Singh Boparai, learned counsel for the respondent, on the other hand, while supporting the finding returned by the High Court in the judgment impugned, submits that he was successful in establishing before the High Court that the date of birth of the appellant is 1st January, 1993 by leading evidence and also as per the admissions made by the appellant/witnesses, admittedly the appellant was not qualified to contest the election for the Member of Legislative Assembly, being less than 25 years of age in view of Article 173(b) of the Constitution on the date when nomination papers were filled or the date of declaration of result and made the following submissions:

- (i) The respondent/election petitioner placed unimpeachable evidence on record that includes the marksheet of the appellant's class X certificate, his Passports dated 28th August, 2006 and original Birth Certificate issued on 28th June, 2012 by Nagar Palika, Rampur and his self-filled Passport application of the year 2006 and all these documents reflect the date of birth of the appellant as 1st January, 1993.
- (ii) The documents relied upon by the respondent are admissible in evidence and relevant under Sections 21 and 35 of the Indian Evidence Act. The evidence projected by the appellant was false and fabricated and rightly discarded by the High Court. Cancellation process was initiated by the appellant after the birth certificate was issued by Nagar Nigam, Lucknow on 21st January, 2015 indicating 30th September, 1990 as date of birth of the appellant. But, execution of the documents relied upon by the respondent has never been disputed and all are public documents in which consistently his date of birth recorded is 1st January, 1993 and thus, the burden was on the appellant to adduce evidence to rebut the presumption as aforesaid, that his date of birth is 30th September, 1990 and not 1st January, 1993.
- (iii) Both the parties have adduced their evidence in the election petition, that all pertains to the appellant, not to somebody else. The record of the election petition which pertains to the academic record, including Passport and birth certificate of the appellant, until 2015 consistently indicates his date of birth as 1st January, 1993.
- (iv) That in rebuttal, the appellant placed on record claiming his date of birth to be 30th September, 1990, which could not have inspired confidence. In support of his submissions, counsel for the respondent has placed reliance on the judgment of this Court in ***Sushil Kumar v. Rakesh Kumar***⁶ and taking assistance thereof submitted that the finding of fact returned by the High Court is based on due appreciation attached to its probative value and only thereafter it has been held that the appellant has failed to establish his date of birth as 30th September, 1990 and rightly declared the election of the appellant to be null and void and not eligible to contest the election in view of Article 173(b) of the Constitution.

16. We have heard learned counsel for the parties and with their assistance perused the documentary and oral evidence on record, in extenso. Taking into consideration the settled principles as laid down by this Court, it is to be examined whether the date of birth of the appellant, as claimed by him, is 30th September, 1990 or it is 1st January, 1993.

Purpose of the Evidence Act

17. The purpose of the Evidence Act, 1872 is to prove and disprove the existence of facts in issue and to find out the truth of the facts which are asserted by the parties as the decision of the case lies upon/depends upon the truthfulness of those facts. The Act essentially does the balancing of interest between

⁶ (2003) 8 SCC 673

the parties to the proceedings and such balancing has to be done by establishing the truth of the facts asserted. Ultimately, the Indian Evidence Act, 1872 is about the quest towards truthfulness. “*Procedure is the handmade of justice and not its mistress*” i.e. procedure is not to control justice but procedure is the helping hand of justice and it helps to facilitate justice.

18. It is a well-established dictum of the Evidence Act that misplacing the burden of proof vitiates the judgment. At the same time, the rule relating to the burden of proof is based upon certain practical considerations of convenience and reasonableness and also of policy, but where there is a rebuttable presumption of law in favour of one party, the burden of rebutting it lies upon the later.

19. At the same time, when any fact is especially within the knowledge of a party, the burden of proving it lies upon that party. The term “especially” means facts which are pre- eminently or exceptionally within the knowledge of a person. It is true that it cannot apply when the fact is such as to be capable of being known also by persons other than the party. This rule is an exception to the rule of burden of proof. Thus, when a person acts with some intention other than that which the character and circumstances of the act suggest, the burden of proving the intention is upon him. The bottom line of the purpose of the Indian Evidence Act is to adopt a procedure that helps to facilitate justice and ultimately what is required is to unearth the truth, to prevail.

20. So far as the principles of burden of proof is concerned, the principles have been succinctly laid down by this Court in **Sushil Kumar** (supra) paras 28 to 32 :

28. It is no doubt true that the burden of proof to show that a candidate who was disqualified as on the date of the nomination would be on the election petitioner.

29. It is also true that the initial burden of proof that nomination paper of an elected candidate has wrongly been accepted is on the election petitioner.

30. In terms of Section 103 of the Indian Evidence Act, however, the burden of proof as to any particular fact lies on that person who wishes the court to believe in its existence, unless it is provided by any law that the proof of that fact shall lie on any particular person.

31. Furthermore, in relation to certain matters, the fact being within the special knowledge of the respondent, the burden to prove the same would be on him in terms of Section 106 of the Indian Evidence Act. However, the question as to whether the burden to prove a particular matter is on the plaintiff or the defendant would depend upon the nature of the dispute. (See *Orissa Mining Corpn. v. Ananda Chandra Prusty* [(1996) 11 SCC 600])

32. The age of a person in an election petition has to be determined not only on the basis of the materials placed on record but also upon taking into consideration the circumstances attending thereto. The initial burden to prove the allegations made in the election petition although was upon the election petitioner but for proving the facts which were within the special knowledge of the respondent, the burden was upon him in terms of Section 106 of the Evidence Act. It is also trite that when both parties have adduced evidence, the question of the onus of proof becomes academic [see *Union of India v. Sugauli Sugar Works (P) Ltd.* [(1976) 3 SCC 32] and *Cox and Kings (Agents) Ltd. v. Workmen* [(1977) 2 SCC 705]]. Furthermore, an admission on the part of a party to the lis shall be binding on him and in any event a presumption must be made that the same is taken to be established.

21. As per Section 35 of the Evidence Act, a register of record maintained in terms of the statute or by statutory authority in the regular course of business would be a relevant fact and in the aforementioned backdrop, the evidence brought on record is required to be considered. The parties have led their documentary as well as oral evidence and have marked exhibits in reference to relevant documents placed

by the election petitioner and the appellant in support of their respective claims to justify with regard to the date of birth of the appellant. The oral and documentary evidence relied upon has been noticed in paras 8 and 9 of the judgment and are reproduced herein :

8. Both the parties have led documentary and oral evidences. Following papers have been admitted in evidence and have been marked as Exhibits as under :—

Petitioner's evidences:

Ex. No.	Paper No.	Brief particulars
P1	(A-49/1 to A 53/1) A 49/1- 4	Passport application dated 06.07.2012 of the respondent under his signature mentioning his date of birth 01.01.1993, and place of birth Rampur. Earlier Passport No.F-8757022, was issued on 28.08.2006 which expired on 31.12.2010. The new Passport No.K7951741 was issued by the Passport Officer, Bareilly on 13.07.2012 for the period till 12.7.2022. Some papers of Ex.P-1 are mentioned below.
	A 50/1— A 50/4	Copy of Bank Pass Book of the respondent of his bank account in State Bank of India, Nawab Gate, Rampur.
	A 51/1	Copy of birth certificate No.3857 issued by Nagar Palika Parishad, Rampur mentioning date of birth of the respondent as 01.01.1993, Place of birth Rampur, Registration No.RNPB 2012 – 03857, date of Registration 28.06.2012 and date of issue 28.06.2012
	A 52/2 – A52/3	Copy of respondent's Passport no. F8757022, dated 28.08.2006 mentioning date of birth as 01.01.1993
	A 53/1	Passport preview details of Passport No. K-7951741, dated 13.07.2012 mentioning respondent's date of birth as 01.01.1993 and old Passport No.F8757022, dated 28.08.2006
P-2	(A-60/1 to A-78) A-60/1 -2	Copy of the respondent's Passport application dated 10.01.2018 mentioning his date of birth as 30.09.1990 and place of birth Lucknow
	A-61/1	“on line appointment receipt” issued by Ministry of External Affairs, Government of India for the aforesaid Passport application dated 08.01.2018
	A-62/1- 3	Copy of the respondent's Passport No.K7951741, dated 13.07.2012 bearing his date of birth as 01.01.1993 and entries of departure/arrival dated 30.04.2013, 05.05.2013, 09.06.2015 and 26.07.2016. A-62/3 is respondent's Visa dated 09.07.2014 mentioning his date of birth as 01.01.1993
	A-63/1	Birth certificate dated 21.1.2015 issued by Registrar Birth and Death, Lucknow, mentioning date of birth 30.09.1990, place of birth – Queen Mary's Hospital, Lucknow, U.P., and Registration No.NNLKO – B-2015-292611 and date of registration 21.01.2015
	A 64/1	Order of registrar birth and death, Nagar Palika Parishad, Rampur, dated 30.1.2015, cancelling the birth certificate of the respondent dated 28.6.2012, as under:- “श्री मोहम्मद अब्दुल्ला आजम खान पुत्र श्री मोहम्मद आजम खान निवासी मो0 घर मीर बाज खां, जेल रोड रामपुर को इस कार्यालय द्वारा दिनांक 28.06.12 को निर्गत जन्म प्रमाण पत्र आज दिनांक 30.01.15 को निरस्त किया जाता है।”

	A-65/1	Copy of respondent's U.P. Legislative Assembly Identity Card dated 14.03.2017
	A-66/1	Copy of Adhar Card of the respondent dated 7.3.2015
	A-67/1	Copy of respondent's driving licence
	A-68/1	Copy of respondent's voter I.D. Card dated 18.07.2016.
	A-69/1	Copy acknowledgement dated 10.1.2018 issued by Regional Passport Officer, Bareilly for application dated 10.1.2018
	A-70/1	Copy of respondent's application dated 10.1.2018 to the Regional Passport Officer Bareilly stating that "I had applied for reissue of Passport due to change of date of birth and place of birth."
	A-75/2	Letter of Regional Passport Officer, Bareilly, dated 11.01.2018 to Registrar birth and death, Municipal Corporation, Lucknow for verification of birth certificate of the respondent
	A-76/1	Letter of the Registrar Birth and death, Nagar Palika Parishad, Rampur, addressed to Regional Passport Officer, Bareilly confirming issuance of letter dated 30.1.2015 about cancellation of birth certificate of the respondent.
P3	(A-A- 80/1 79 to A- 80/1)	Copy of birth certificate of Mohd. Abdullah Azam Khan (Respondent) dated 28.06.2012 bearing date of registration RNPB 9012-03857, dated 28.06.2012 issued by Nagar Palika Parishad, Rampur on the basis of original record of birth. This birth certificate was got cancelled by the respondent by order of the Registrar dated 30.01.2015
P4	A-25/1	Copy of Secondary School examination Class X result 2007, issued by Central Board of Secondary Education showing respondent's date of birth as 01.01.1993

Oral evidence of Election-petitioner:

P.W. 1- Kazim Ali Khan (Election-petitioner)

P.W. 2- Mohd. Naseem, Passport Officer, Bareilly

P.W. 3- Mohd. Ateer Ansari, Junior Passport Assistant, Bareilly

P.W. 4- Tej Pal Singh Verma, Chief Sanitation and Food Inspector/Deputy Registrar Birth and Death, Nagar Palika Parishad, Rampur

Defendant's/respondent's Evidences.

Documentary Evidence.

Ex. No.	Paper No.	Brief Particular
R1	A 30	List of candidates who filed nomination papers
R2	A 31	Symbol allotment list issued by Returning Officer
R3	A32	Declaration of results by Returning Officer on 11.03.2017
R4	A100/1- 2	Copy of page no. 174 of EOT Register of Queen Mary's Hospital, Lucknow, containing entries of admission of patients dated 29.09.1990, and thereafter entries dated 7 th August 1990, 22.09.1990 and 24.09.1990

R5	A101/1- 2	Copy of page No. 225 of MLR Register of Queen Mary's Hospital bearing cuttings and overwriting and no date of admission of Mrs. Tazeen Fatima (mother of the respondent)
R6	A37	Duplicate birth certificate dated 21.04.2015 issued by Queen Mary's Hospital of K.G. Medical University containing baby's name "baby of Tazeen Fatima" born on 30.09.1990
R7	A38/1-2	Discharge ticket of indoor patient Tazeen Fatima in Queen Mary's Hospital admitted on 07.08.1990 and discharge on 24.10.1990
R8	A41/1-3	Information dated 12.09.2017 given by Professor Vineeta Das, HOD King George Medical University to the mother of the respondent under the RTI Act 2005 intimating that as per rules of the hospital, record of only 10 years is kept. Since matter is of 1990, therefore, true copy of admission register containing entries is not possible to be given. Admission slip is kept by the patient, discharge certificate (paper No. A38/1-2) as produced by Tazeen Fatima is attested.
R9	A42/1-5	Information given by King George Hospital by letter dated 19.09.2017 to the respondent under the RTI Act based on the information of Professor Vineeta Das, HOD King George Medical University by letter dated 12.09.2017 addressed to the Information Officer and mentioning that: (paper No. A100/2) "मोहम्मद अब्दुल्लाह आजम खान के जिस पृष्ठ पर जन्म का विवरण अंकित है उसकी सत्यापित प्रतिलिपि एवं उसके प्रथम पृष्ठ की सत्यलिपि इस पत्र के साथ संलग्न हैं। सूचनार्थ प्रेषित" (paper No. A100/2)
R10	A47/1-7	Copy of pay bill Register of Rajkiya Mahila PG College, Rampur for the month of August 1990, December 1992, January 1993 and February 1993
R11	A95/1- 34	Copy of service book of Tazeen Fatima, lecturer, political science who was made permanent by Government Order dated 11.02.1997 w.e.f. 20.04.1988. She submitted her GIS nomination form under his own signature on 26.04.2001(A95/25) nominated Mohd. Azam Khan (husband) 53 years-50%, Mohd Adeel Ajam Khan (Bitu) (son) 15 years - 25% and Mohd. Abdullah Azam Khan (son) 8 years - 25 %
R12	A-96/1-5	Application of Dr. Tazeen Fatima, dated 17.01.2015 (mother of the respondent) to Nagar Swastha Adhikari, Nagar Nigam, Lucknow, requesting him to issue birth certificate of her son Mohd. Abdullah Azam Khan as per enclosed affidavit. Her son's birth may be got verified from the records of Queen Mary's Hospital.
	A96/3	Computer generated sheet of Nagar Nigam, Lucknow, mentioning date of birth registration 21.01.2015, date of birth 30.09.1990 and name Mohd. Abdullah Azam Khan, place of birth - Queen Mary's Hospital, dated 21.4.2015
	A96/4-5	Photostat copy of birth register of Nagar Nigam, Lucknow containing entry in the name of Abdullah Mohd. Azam Khan recorded in the register on 30.09.1990. Above it on A95/4 are two entries of birth recorded on 07.02.1992 and 25.06.1993 bearing order of some officer to record the birth. The next page (A95/5) starts with the date 02.10.1990 but at the bottom of the page dates are 26.09.1990 and 27.09.1990

9. Oral Evidence of Defendant/respondent:

D.W.-1 - Dr. Shailendra K. Tiwari, Assistant Director of Higher Education, U.P. Prayagraj.

D.W.-2 - Dr. Archana Dwivedi, Additional Municipal Commissioner, Lucknow.

D.W.-3 - Dr. Uma Singh, Sr. Gynecologist Queen Mary's Hospital (Department of Obst. & Gyno.)

D.W.-4 - Dr. Vineeta Das - HOD Obst. & Gyno., Queen Mary's Hospital, Lucknow.

D.W.-5 - Dr. Tazeen Fatima, (mother of the respondent)

D.W.-6 - Dr. Vandana Sharma - Principal Rajkiya Mahila Post Graduate Degree College, Rampur.

D.W.-7 - Arun Josheph Dayal. Director Saint Paul School, Civil Line, Rampur.

D.W.-8 - Dr. Satibir Sing Ken, Radiologist, District Hospital, Rampur.

D.W.-9 - Shahzeb Khan, friend of father of the respondent.

D.W.-10 - Mohd. Abdullah Azam Khan, respondent.

Analysis of the Evidence

22. Now, we shall advert to the circumstances appearing in the case which support the view taken by us. The notification was issued notifying the schedule for election of U.P. State Legislative Assembly from 34, Suar Assembly Constituency of District Rampur as under:-

(a) Date of filing of nomination	25 th January, 2017
(b) Date of scrutiny of nomination	28 th January, 2017
(c) Date of withdrawal of nomination	30 th January, 2017
(d) Date of allotment of symbols	1 st February, 2017
(e) Date of Poll	15 th February, 2017
(f) Date of counting	11 th March, 2017

23. The appellant filled his nomination papers on 24th January, 2017, and was declared elected on 11th March, 2017 by securing the highest number of votes *i.e.* 1,06,443 votes.

24. In the election petition filed by the respondent/election petitioner, his solitary objection was that the appellant was not qualified to contest the election for Member of Legislative Assembly in view of Article 173(b) of the Constitution as he was less than 25 years of age when he filled his nomination papers and the date on which he contested the election and also on the date of declaration of the result of 34, Suar Assembly Constituency of District Rampur.

25. The documentary evidence placed by the respondent/election petitioner on record to substantiate that the date of birth of the appellant is 1st January, 1993 are all public documents issued by the public authorities and are admissible in evidence in terms of Section 35 of the Indian Evidence Act, are as follows:

Following documentary evidences, record birth year of the appellant to be the year 1993 (01.01.1993) :—

(i) Ex. P4 - paper No. A-25/1 - Copy of secondary school examination Class 10th result 2007 issued by Central Board of Secondary Education.

(ii) Ex. P1 - paper No. A-52/2-3, copy of appellant's Passport no. F8757022, dated 28.08.2006 mentioning his date of birth 01.01.1993.

(iii) Ex. P1 - paper No. A-51/1 - copy of birth certificate No. 3857 of the appellant issued by Nagar Palika Parishad, Rampur, showing date of birth of the appellant as 01.01.1993 and date of Registration 28.06.2012.

(iv) Ex. P1 - paper No. A-49/1-4, appellant's Passport application dated 06.07.2012, filed by him under his signature mentioning his date of birth as 01.01.1993, and place of birth Rampur.

(v) Ex. P-1 - paper No. 53/1, Passport preview details of appellant's Passport No. K-7951741, dated 13.07.2012 and Ex. P-2 - paper No. A62/1-3, copy of appellant's Passport No. K- 7951741, dated 13.07.2012 bearing date of birth as 01.01.1993 and entries of departure/ arrival dated 30.04.2013, 05.05.2013, 09.06.2015 and 26.07.2016 and Visa dated 09.07.2014 all mentioning date of birth as 01.01.1993.

(vi) Ex.R-11 (Paper No. A95/1-34) the copy of service book of the appellant's mother filed by the appellant in evidence and proved by the D.W.-1. It contains G.I.S. Nomination form signed and submitted by the appellant's mother (D.W.-5) on 26.04.2001 mentioning appellant's age to be 8 years.

(vii) Ex. P3 - paper No. 80/1, copy of appellant's birth certificate dated 28.06.2012, issued by Nagar Palika Parishad, Rampur, issued on the basis of original record of birth. This birth certificate was subsequently cancelled by the Registrar on 30.01.2015 on the application of the appellant.

26. The respondent/election petitioner appeared as a witness, PW.1 and while supporting the documentary evidence established that the date of birth of the appellant as per the school records and other documentary evidence placed on record is 1st January, 1993, at the same time made a specific averment in his examination-in-chief regarding the documents placed by the appellant/returned candidate on record, that these are all fake and forged documents which are manufactured to create false evidence regarding the age and date of birth of the appellant. Further, the official documents issued prior to the year 2015 consistently indicate his date of birth as 1st January, 1993 and that is also elicited from his cross-examination.

27. The Court Witnesses, PW.2 Mohd. Naseem, the Passport Officer, Bareilly, PW.3 Mohd. Ateer Ansari, Junior Passport Assistant, Bareilly and PW.4 Tej Pal Singh Verma, Chief Sanitation and Food Inspector/Deputy Registrar Birth and Death, Nagar Palika, Rampur were examined and they supported the public documents placed on record which establishes that the birth certificate issued by the Health Department, Nagar Palika, Rampur dated 28th June, 2012, in addition, the online application filled by the appellant for the issuance of Passport, the old Passport No.F 8757022 issued on 28th August, 2006 by PW.2 and PW.3 and placed on record the relevant online application and other documents which were filed by the appellant in January 2015 and all such documents were duly supported by the public officers P.W.2 and P.W.3 in their deposition. The Court Witness PW.4 in his examination-in-chief deposed that all registers and other records related to birth certificate No.3857 dated 28th June, 2012 of the appellant have been destroyed because of the fire due to short circuit on 8th May, 2015 in the office of Nagar Palika, Rampur and is unable to place any record prior to 8th May, 2015, but verified the birth certificate dated 28th June, 2012 as the record is available in the computer system and a copy was placed on record and all these documents were generated either by the appellant himself or at his instance.

28. Thus, from the evidence on record, the respondent was able to establish from the documentary evidence which belongs to the appellant that consistently from day one he has shown his date of birth as 1st January, 1993 not only in his academic record but also in the birth certificate obtained by him issued on 28th June, 2012 (Ex. A-80/1) by Nagar Palika, Rampur his date of birth as 1st January, 1993 which could have been possible only when the relevant documentary evidence was available with the competent authority/in the office of Nagar Palika, Rampur and this fact cannot be ruled out. The respondent has

established on record that the date of birth of the appellant is 1st January, 1993 and this fact was not disputed by the appellant that the documents placed and relied upon by the respondent on record are public documents issued by the competent authorities.

29. At this stage, the objection of the appellant was that although the documents relied upon by the respondent belong to him, but the correctness of the documents is in question, in rebuttal the defence of the appellant throughout even in the defence evidence put forward was that in the year 1995 because his father was away, a friend of his father DW.9, Shahzeb Khan, took him to the school in 1995 and got recorded his date of birth as 1st January, 1993. Even if this stand of the appellant is taken on the face value, the date of birth which is recorded in his Secondary School Examination, followed with his Passport of the year 2006 and his certificate of birth issued by Nagar Palika, Rampur with registration No.RNPB2012-03857 dated 28th June, 2012 of which details have been furnished at least upto the year 2015 consistently in all unimpeachable documentary evidence not only in his academic records but in all other correspondence, he has throughout reflected his date of birth as 1st January, 1993, and since these are all his documents issued from the office of public authorities by the public officers based on the relevant data made available by the appellant himself/on filling application online or physically, the documents released to him in the name of the appellant disclose his date of birth as 1st January, 1993 and after evaluation of the documentary evidence supported by oral evidence on record, this Court certainly can record that it has a sufficient probative value, as required under Section 35 of the Evidence Act.

30. At the same time, the appellant, on the other hand, has not disputed these documents which have been relied upon by the respondent (election petitioner), of which detailed reference has been made in para 8, said documents belong to the appellant himself and are in public domain, issued by the public authorities/competent authorities and obviously information has been extended by the appellant himself and to make the smoke clear at this stage, the defence of the appellant was that at the time when the appellant went to the school in 1995, the friend of his father DW.9 got recorded his date of birth will not have any significance, since in the matriculation certificate and all applications which are filled by the appellant himself and these documents are generated which the appellant has been failed to counter at any given point of time. In countering, the appellant has come out with a defence that his mother DW.5 who was a Lecturer in a Postgraduate College and retired in 2009, in her cross- examination deposed that her son (the appellant) after doing his M.Tech became active in politics in the year 2015 and at this time she proceeded for issuance of a birth certificate from Nagar Nigam, Lucknow and submitted application on 17th January, 2015 (Ex.A-96/1-5).

31. It is curious to note that the request made by her was addressed to the Chief Health Officer, Nagar Nigam, Lucknow with a statement that her son (the appellant) was born on 30th September, 1990 in Queen Mary's Hospital, Lucknow and the birth certificate is urgently needed for very important and unavoidable reasons and she enclosed her own affidavit. On such an application being furnished, within three days, the birth certificate was issued by Nagar Nigam, Lucknow on 21st January, 2015 (Ex.A-96/3) indicating his date of birth as 30th September, 1990, which could not have been ordinarily possible to obtain by the common man.

32. It is sufficient to note that there was no documentary evidence obtained from Queen Mary's Hospital, Lucknow, prior to the application dated 17th January, 2015, submitted by her (mother of appellant) for seeking a birth certificate from Nagar Nigam, Lucknow and it is not the case of the appellant that his date of birth recorded as 1st January, 1993 was due to some inadvertence, but at later stage, it came across that the correct date of birth of the appellant is 30th September, 1990 and this fact revealed in the year 2015, the family proceeded to obtain a certificate of birth from Nagar Nigam, Lucknow.

33. It is also to be noted that on 28th June, 2012, a birth certificate was obtained by the appellant

from Nagar Palika, Rampur and supporting documentary evidence must have been available in the office of Nagar Palika, Rampur, or placed by the appellant, on the basis of which the birth certificate has been issued to him on 28th June, 2012, and admittedly it is not possible that at two different places (Rampur/Lucknow) his birth has taken place or record is maintained and the document obtained from Nagar Palika, Rampur, on 28th June, 2012 was completely concealed and the documents were later generated/obtained from Queen Mary's Hospital, Lucknow, which were for the first time placed on record in the course of the election petition.

34. In other words, the appellant was not holding any documentary evidence to support his claim prior to being placed on record in the course of election petition from Queen Mary's Hospital, which was made to be a basis in the year 2015 to seek a duplicate birth certificate of 30th September, 1990. To make it further clear, the duplicate birth certificate was issued by Queen Mary's Hospital on 21st April, 2015 (Ex.A-37) indicating the date of birth of the baby of DW.5 on 30th September, 1990. From this document, it is clear that on 17th January, 2015, on the date when the application was submitted by his mother (DW.5) addressed to the Chief Health Officer, Nagar Nigam, Lucknow, to obtain the birth certificate of the appellant there was no documentary evidence available in the custody of DW.5 to support that the child was born in the hospital on 30th September, 1990.

35. A duplicate birth certificate was obtained from Queen Mary's Hospital, Lucknow on 21st April, 2015 but what happened to the original, if any, has never been placed by the appellant on record. Just to make a clarification that even in the application dated 17th January, 2015, submitted by DW.5 (appellant's mother) there was no mention of a certificate earlier issued and the demand is to issue a duplicate certificate of the date of birth of the appellant who is born, as alleged, in the Queen Mary's Hospital, Lucknow on 30th September, 1990. The very foundation on which the appellant has proceeded to establish that his date of birth is 30th September, 1990 falls on the ground.

36. It was admitted by DW.5 in her cross-examination that in all his school records, Xth, XIIth, Undergraduate, Postgraduate degree, his date of birth recorded is 1st January, 1993 and that the question put to her in cross-examination about the date of birth of the appellant recorded in the academic record is 1st January, 1993, she made a very curious statement that it is the appellant who informed her that his date of birth is wrongly recorded in his school records, but neither the appellant nor mother-DW.5 ever proceeded in seeking correction in the date of birth certificate at any given point of time prior to the year 2015.

37. The appellant himself appeared as DW.10 in the witness box. It was his admission throughout that in the academic record, his Passport, the date of birth certificate issued from Nagar Palika, Rampur on 28th June, 2012, his date of birth recorded as 1st January, 1993 and curiously, for the first time, in his examination-in-chief he has stated that his mother told him that he was born on 30th September, 1990, and not on 1st January, 1993, and in reference to all the documents which were put to him in cross-examination, his only statement was that although these documents belong to him, but his date of birth has been incorrectly recorded, and later cancelled, but while making a statement of date of birth being incorrect, nothing in counter was placed on record, except the documents placed for the first time in the course of the election petition. From where this fact was gathered, it was not disclosed even in the cross-examination and a statement was made in his cross-examination that his date of birth either in his birth certificate dated 28th June, 2012 or in Passport wherever recorded of 1st January, 1993 at a later stage was cancelled and has made a completely evasive answer in his cross-examination. To support in evidence, the appellant has produced three basic documents, EOT register (R-4), MLR register (R-5) and discharge ticket of Indoor Patient. Dr. Tazeen Fatima, DW.5 (R-7) and the oral evidence of Prof. Vineeta Das, HoD, Obst. & Gyno. (DW.4), Dr. Uma Singh, Sr. Gynaecologist (DW.3) who produced all the registers relating to Queen Mary's Hospital, Lucknow, of the relevant period of the year 1990, when put to cross-examination, reference to the EOT register and particularly to page 174, the question put to her whether entry 174 of EOT register Annual

No, 5097 carry any overwriting on the particular entry, she admitted that yes, overwriting has been done and which can be seen in column no.3 of it. In a further question put to her in the cross-examination about the description in column no.16 of the register that whether it matches with the information mentioned in rest of the column, and also that whether the entry of period of pregnancy at page 174 of EOT register is different from entry of period of pregnancy in page 225 of MLR register, she admitted that yes, all these entries are different. The extract of questions put to Dr. Uma Singh (DW.3) in reference to the so-called official record of the hospital is as under:

(a) Whether you can say confidently that the information of the children born on 30.09.1990 was sent to Municipal Corporation, Lucknow ?

Ans.: Yes.

(b) Whether you can tell after seeing the entry of page 174 of EOT register Annual No. 5097 carried along by you that any overwriting has been done in this or not ?

Ans. : Yes, overwriting has been done in it. Overwriting is seen in column no. 3 of it.

(c) Whether you can tell by seeing the description in column no.16 of above register that whether it matches with the information mentioned in rest of the column of above register ?

Ans.: No

(d) Whether the nature of period of pregnancy at page no.174 of EOT register Annual No. 5097 column no.10 is different from the entry of period of pregnancy in page no. 225 of MLR register Annual No.1826, Column no.10 ?

Ans.: Yes.

(e) Whether in the manner in which the entries are made at page no. 225 of MLR register it matches with the entries made on the above page of other account number ?

Ans. : Do not match totally.

(f) The EOT register and MLR register which you have brought with you today in the Court and presented before the Court, is it attested or signed by any of the officer or department head by Queen Mary's Hospital or King George Medical? And the entries therein or any of the page is signed or counter signed by any of the officer or doctor of the hospital ? And whether both the above mentioned hospital registers are authenticated by any of the officer or department head ?

Ans.: Above both registers are not authenticated by the officer of Queen Mary's Hospital or King George University. Above both registers are also not attested. But some of the pages are signed by consultant of the hospital.

38. To support the documents placed on record from the Queen Mary's Hospital, Dr. Vineeta Das (DW.4), the HoD, Obstetrics & Gynecology Department, also appeared in the witness box.

39. At the same time, so far as the register of the Nagar Nigam, Lucknow (Ex.R-12) which has been produced by DW.2 Dr. Archana Dwivedi, she appears to have completely surrendered in cross-examination in support of the documents placed by her. Few of the questions put to her in cross examination to produce the register of Registration of Birth and Death maintained by the Nagar Nigam, Lucknow be relevant to quote:

(a) Whether is it necessary to maintain the birth register in the format given in Registration of Birth & Death Act, 1969 ?

Ans.: Yes.

(b) Above papers were shown again and asked that can you see this and till that what is date of registration of birth of the respondent mentioned therein ?

Ans.: In column number 3 of this paper date of birth registration is 21.01.2015.

(c) After how many days the birth certificate is being issued after the related entries made in birth register ?

Ans.: When the applicant gives a request letter thereafter the birth certificate is issued. Birth registration is done immediately after receiving of birth list from the hospital.

(d) Whether the statement given by you today in front of court is based on the official record maintained in the office ?

Ans.: Yes, again stated that the above said birth register is not in the prescribed format, and again want to state that the said format only followed but it has not been used in this case. Pagination has not been done and neither register has been attested nor pagination has been done by any competent officer.

40. The witness has not even been able to support the documents. Apart from the said documents, we have looked into the extract copies of the birth register maintained by the Nagar Nigam, Lucknow (Ex.R-12). Even from the naked eye, it appears that at page 43, last entry is of 30th September, 1990 and there was no space left on the page, still it reveals that someone has tried to insert a further illegal entry and if it would have been in continuation on the next page at page 44 after 30th September, 1990, the second entry comes on 2nd October, 1990 and on 1st October, 1990 there is no entry. At the same time, all entries appear to have been made at the same point of time in continuation and this Court cannot attach any credence to the documents on which the appellant has heavily relied upon which, according to him, is the basis for issuance of the birth certificate on a mere application submitted by the mother DW.5 dated 17th January, 2015, issued by the Nagar Nigam, Lucknow on 21st January, 2015. Rest of the documents supported by the oral evidence placed by the appellant on record are only to justify that DW.5 was on maternity leave and a male child was born in the year 1990 and the third maternity leave was availed by her from 7th August, 1990 to 24th October, 1990 and a male child was born on 30th September, 1990, no credence of any kind could be attached to it.

41. That apart from oral evidence to support the documents placed on record obtained from the Queen Mary's Hospital, we have looked into the relevant documents and from naked eye it appears that the EOT register where the name of DW.5, mother of the appellant has been shown, entry appears to be partially erased and rest of the page other than the entry relating to DW.5, no change is being reflected from the entire document.

42. When the entire evidence is before the Court, it is well settled that the burden of proof becomes immaterial at the given point of time the document made *ante litem motam* can be relied upon safely when such documents are admissible under Section 35 of the Evidence Act. This Court in large number of judgments, including *Brij Mohan Singh (supra)*, *Updesh Kumar and Others v. Prithvi Singh and Others*⁷, *State of Punjab v. Mohinder Singh*⁸, *Vishnu alias Undrya v. State of Maharashtra*⁹ and *Satpal Singh v. State of Haryana*¹⁰ came to the conclusion that while considering such an issue and documents admissible under Section 35 of the Evidence Act, has to examine the probative value of the contents of the document. The authenticity of entries may also depend on whose information such entry stood recorded and what was his source of information, meaning thereby, that such document may also require corroboration in some cases.

⁷ (2001) 2 SCC 524

⁸ (2005) 3 SCC 702

⁹ (2006) 1 SCC 283

¹⁰ (2010) 8 SCC 714

43. In the instant case, the academic record of the appellant consistently indicates the recorded date of birth of the appellant is 1st January, 1993 and to be more specific before 17th January, 2015, all documents which were released from various public offices under the signatures of public authorities, the date of birth of the appellant has throughout been shown as 1st January, 1993 and as stated by DW.5 (mother of the appellant) and so also the appellant herein (DW.10) after doing his post-graduation he wanted to come in active politics, application was submitted on 17th January, 2015 for the first time to the office of the Nagar Nigam, Lucknow for obtaining the birth certificate of the appellant based on Queen Mary's Hospital, Lucknow and the fact is that no documentary evidence was supported along with the application, except the affidavit sworn by DW.5 to the application dated 17th January, 2015 and it is not possible for a common man to get the birth certificate in the existing facts and circumstances, but so far as the appellant is concerned, birth certificate was issued with no loss of time on 21st January, 2015 which was otherwise not possible. It may be noticed that cancellation has taken place at a later point of time and who is the authority competent to cancel, nothing has been brought on record but the fact is that the appellant himself has obtained the certificate of birth from Nagar Palika, Rampur on 28th June, 2012 indicating his date of birth as 1st January, 1993 apart from other documentary evidence which the appellant later got cancelled. This fact cannot be ruled out that there must be the evidence available before the Nagar Palika, Rampur, based on which Birth Certificate was issued to him on 28th January, 2012. A very peculiar situation is created. Two birth certificates are issued by two different authorities (Nagar Palika, Rampur/Nagar Nigam, Lucknow) at different point of time, the presumption is that there must be some documentary evidence available in the custody of municipality indicating two different dates of birth of the same person at the same time *i.e.* the appellant herein.

44. The judgment relied upon by the appellant in ***Birad Mal Singhvi (supra)*** was a case where one of the defeated candidates filed an election petition and his submission was that there were two other candidates whose nomination papers were arbitrarily rejected by the election officer but they neither came in the witness box nor any person appeared in the witness box to support the date of birth recorded in the matriculation certificates of those two candidates. In the given situation, those records could not have been relied upon and become inadmissible in view of Section 35 of the Evidence Act.

45. So far as the judgment relied upon by the appellant in ***Joshna Gouda (supra)*** was a case where the reliance was placed on the school admission register and admission form, including the transfer certificate, but no supporting evidence/proof was available on record. In that context, a finding was recorded that conclusive finding regarding the probative value in reference to the three documents Exhs.5, 5A and 7 could not be attached.

46. It is also trite law that when both the parties have adduced evidence and that too is in reference to a common question and particularly for determination of age, which is the subject matter of dispute and when both the parties have adduced evidence, the question of onus of proof becomes academic. This has been considered by this Court in ***Rakesh Kumar (supra)*** wherein as regards the determination of age of the candidate in terms of Section 36(2) of the Representation of the People Act, 1951, this Court observed :

“27. In *Sushil Kumar v. Rakesh Kumar* [(2003) 8 SCC 673] this Court as regards determination of age of a candidate in terms of Section 36(2) of the Representation of the People Act, 1951 observed: (SCC pp. 684-85, para 32)

“32. The age of a person in an election petition has to be determined not only on the basis of the materials placed on record but also upon taking into consideration the circumstances attending thereto. The initial burden to prove the allegations made in the election petition although was upon the election petitioner but for proving the facts which were within the special knowledge of the respondent, the burden was upon him in terms of Section 106 of the Evidence Act. It is also trite that when both parties have

adduced evidence, the question of the onus of proof becomes academic [see *Union of India v. Sugauli Sugar Works (P) Ltd.* [(1976) 3 SCC 32] and *Cox and Kings (Agents) Ltd. v. Workmen* [(1977) 2 SCC 705 : 1977 SCC (L&S) 342]. Furthermore, an admission on the part of a party to the lis shall be binding on him and in any event a presumption must be made that the same is taken to be established.”

This Court therein followed, inter alia, *Birad Mal Singhvi* [1988 Supp SCC 604] and several other decisions.”

47. In the instant case, the documents issued by Nagar Palika, Rampur in the year 2012, clearly indicate the recorded date of birth as 1st January, 1993 and which is duly supported by his academic record from Class X onwards at all stages which had been generated only under the appellant’s own signatures or under the authority of the appellant and this in no manner could be disputed. Merely because the same has been later on cancelled by the appellant, it may not lose its evidentiary value.

48. In this regard, it may be relevant to note that Section 13(3) of the Registration of Birth and Death Act, 1969, clearly postulates that delayed registration of birth and death are permissible provided a procedure prescribed has been followed after taking orders from the Magistrate and proving the correctness of the date of birth. Although the defence of the appellant is that since his name was already registered in the records of Nagar Nigam, Lucknow, Section 13(3) of the Registration of Birth and Death Act, 1969 may not apply, but this submission appears to be misplaced for the reason that on the basis of the birth record maintained by the Nagar Palika, Rampur, the birth certificate was issued to him under the orders of the competent authority on 28th June, 2012, and there cannot be two separate records of birth available in two different municipalities (Rampur/Lucknow) of the same person and in the given situation, no credibility can be attached on the records maintained by the Nagar Nigam, Lucknow, and in our considered view, the procedure as prescribed under Section 13(3) of the Act, 1969, in the ordinary course of business, was supposed to be adopted by the authorities while a fresh certificate of date of birth was issued to him on 21st January, 2015, which indeed has not been followed by the competent authority by Nagar Nigam, Lucknow.

49. In the instant case, the date of birth of the appellant throughout in his records is 1st January, 1993 and only in the year 2015 when the appellant became keen to enter into active politics, the mother of the appellant (DW-5) submitted an application for the first time on 17th January, 2015, claiming that the appellant was born on 30th September 1990, and birth certificate may be immediately issued to her and within three days, birth certificate was issued by the Nagar Nigam, Lucknow on 21st January, 2015. In support thereof, the documentary evidence which the appellant has placed on record obtained from the Queen Mary’s Hospital, Lucknow, as a foundation on which the birth certificate has been issued as alleged from the Nagar Nigam, Lucknow, in our considered view, no probative value could have been attached to it.

50. The High Court, in our considered view, has examined the documentary and the oral evidence available on record in extenso, we find that no manifest error was committed by the High Court in passing the impugned judgment, which may call for our interference.

51. Consequently, the appeal fails and is accordingly dismissed. No costs.

52. Pending application(s), if any, stand disposed of.

..... (Sd.) J.
(AJAY RASTOGI)

.....(Sd.) J.
(B.V. NAGARATHNA)

NEW DELHI
NOVEMBER 07, 2022.

REPORTABLE

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 104 OF 2020**

MOHD. ABDULLAH AZAM KHAN**APPELLANT****VERSUS****NAWAB KAZIM ALI KHAN****RESPONDENT****JUDGMENT****NAGARATHNA J.**

I have had the benefit of reading the judgment proposed by His Lordship Ajay Rastogi, J. While I concur with the reasoning as well as the conclusion arrived at by His Lordship, I, however, wish to elaborate on the reasoning and also assign additional reasons for dismissing the appeal.

2. This appeal assails the judgment of the High Court of Judicature at Allahabad, dated 16.12.2019 in Election Petition No.08 of 2017 by which the petition filed by the election petitioner herein against the successful candidate herein has been allowed and the election of the successful candidate herein, to the Uttar Pradesh Legislative Assembly from the 34-Suar Constituency, District Rampur held in the year 2017 has been set aside.

For the sake of convenience, the rank of the parties herein shall be referred to as per their rank and status in the Election Petition filed before the High Court. In other words, they shall be referred to as the election petitioner and the successful candidate, respectively.

3. Succinctly stated, the facts giving rise to the instant appeal are as under:

3.1. A notification was published under Section 15 of the Representation of People Act, 1951 (hereinafter referred to as R.P. Act), notifying the election of Uttar Pradesh State Legislative Assembly, *inter-alia*, from 34- Suar Constituency, District Rampur, Uttar Pradesh. As per the said notification, the last date for filing the nomination for contesting the election was 25.01.2017 and the poll was scheduled to be held on 15.02.2017. The appellant was the successful candidate while the election petitioner was the unsuccessful candidate who filed the election petition.

3.2. The successful candidate filed his nomination on 24.01.2017, to contest the elections, from 34-Suar Constituency, District Rampur, Uttar Pradesh. Subsequently, the election petitioner, namely, Nawab Kazim Ali Khan, filed an objection before the Returning Officer, challenging the successful candidate's nomination on the ground that he had not attained the age of twenty-five years at the time of filing his nomination and was therefore, ineligible to contest the election in view of Article 173(b) of the Constitution of India. The election petitioner had filed his objection on the basis of a newspaper article published in a local daily, *Dainik Jagran Amar Ujala* on 28.01.2017.

3.3. By order dated 30.01.2017, the Returning Officer rejected the objection filed by the election petitioner herein by observing that the successful candidate herein had stated in Column B of Section 3 of the nomination form, as also in Form 26, that his age was twenty-six years. That in support of such claim, the successful candidate had attached his Birth Certificate (No. 229428) which was issued to him by the Nagar Nigam, Lucknow, on 21.05.2015 and in the said document, the date of birth of the successful candidate was recorded as 30.09.1990. It was further noted that as

per the successful candidate's Aadhar card and the electoral roll, his age at the relevant time was twenty-six years. Consequent to the rejection of the objections raised by the election petitioner and on the basis of the documents submitted and details furnished by the successful candidate in the nomination form, his nomination was accepted by the Returning Officer.

3.4. The election was held as scheduled on 15.02.2017 and on 11.03.2017, the appellant was declared as the successful candidate in the election to the Uttar Pradesh Legislative Assembly from the 34-Suar Constituency, District Rampur. The election petitioner herein stood third in the said election.

4. In the above background, the election petitioner filed Election Petition No. 08 of 2017 before the High Court of Judicature at Allahabad, seeking a declaration that the election of the successful candidate to the Uttar Pradesh Legislative Assembly be declared as null and void, for non-compliance of the requirements of Article 173(b) of the Constitution of India. The said prayer was allowed by the High Court and the election of the successful candidate was set aside. Hence, this appeal.

Pleadings:

5. The averments made by the election petitioner in his Election Petition do not call for a reiteration except to the following extent:

i) That the successful candidate had not completed twenty-five years of age, both, as on the date of scrutiny of the nomination papers as well as on the date of the election and therefore, his candidature seeking election to the Uttar Pradesh Legislative Assembly ought not to have been accepted in light of Article 173(b) of the Constitution of India read with Section 36(2) of the R.P. Act.

ii) That the birth certificates produced by the successful candidate before the Returning Officer were duplicate certificates issued by the Queen Mary's Hospital, Lucknow, and the Nagar Nigam, Lucknow, on 21.04.2015 and 21.01.2015, respectively, and not on 30.09.1990, being the date on which the successful candidate was stated to have been born. Therefore, such documents did not reflect the correct date of birth of the successful candidate.

iii) That the Returning Officer rejected the objection filed by the election petitioner without verifying the date of birth of the successful candidate in the original birth certificates issued by the Queen Mary's Hospital, Lucknow and the Nagar Nigam, Lucknow. The birth certificates issued by the Queen Mary's Hospital, Lucknow and the Nagar Nigam, Lucknow were fabricated documents and the successful candidate's actual birth certificate was issued by the Registrar (Birth and Death), Nagar Palika Parishad, Rampur, Uttar Pradesh and as per the said document, his date of birth was 01.01.1993 and not 30.09.1990 as contended by the successful candidate.

On the above pleadings, the election petitioner sought setting aside the election of the successful candidate.

6. In response to the Election Petition, the successful candidate in the election, filed his written statement before the High Court, *inter alia*, with the following averments:

i) That he was born on 30.09.1990 at Queen Mary's Hospital, Lucknow, and not on 01.01.1993 as alleged by the election petitioner. Therefore, he was above the age of twenty-five years as on the last date of filing the nomination, *i.e.*, on 25.01.2017, on the date of scrutiny of his nomination, *i.e.*, 28.01.2017 and on the date on which he was declared as the elected candidate, *i.e.*, on 11.03.2017. Hence, he was duly qualified to contest the election and hold the office of a Member of Legislative Assembly, under Article 173(b) of the Constitution of India and provisions of the R.P. Act.

ii) That the Returning Officer rightly rejected the objections raised by the election petitioner in view of the fact that there was no defect of a substantial nature in the successful candidate's nomination paper and accompanying documents.

With the aforesaid averments it was prayed that the Election Petition filed by the election petitioner be dismissed by the High Court as being devoid of merit.

6.1 The election petitioner filed his replication to the written statement which is summarised as under:

(i) While denying the contents of the written statement to be true and the documents attached to the written statement being fabricated, forged and misleading, the election petitioner reiterated the contents of his election petition.

(ii) The election petitioner has taken an additional plea to the effect that on 14.08.2017, the Election Officer Rampur, had forwarded a representation which was moved by one, Mr. Akash Kumar Saxena, Chairman of the Indian Industries Association, to the Chief Election Officer, disclosing discrepancies with respect to the Pan Card of the successful candidate. That the successful candidate had clandestinely procured a new Pan Card bearing No. DWAPK7513R which was issued to him on 24.03.2015, showing his date of birth as 30.09.1990 by deliberately concealing the fact that he had already been issued Pan Card No. DFOPK6164K on 30.08.2013 in which his date of birth was recorded as 01.01.1993. As per the original Pan Card, the successful candidate was less than twenty-five years of age, whereas, according to his new Pan Card he was twenty-six years of age.

(iii) Further, the successful candidate had opened a bank account no. 34341386006 in State Bank of India with Pan Card No. DFOPK6164K wherein his date of birth in the bank account was recorded as 01.01.1993. That the successful candidate had two pan cards and had not disclosed his correct income while contesting the legislative assembly elections.

Evidence:

7. The parties let in oral as well as documentary evidence in the Election Petition:

7.1 The election petitioner let in oral evidence through PW-1 - PW-4 witnesses. The election petitioner got marked Exhibit P-1 to P-4 documents.

7.2 The successful candidate let in oral evidence through DW-1 - DW-10 witnesses. The successful candidate got marked Exb. No.- R1-R12 documents.

7.3 On the basis of oral and documentary evidence on record, High Court allowed the Election Petition filed by the election petitioner herein and set aside the election of the successful candidate/appellant herein in respect of 34-Suar Constituency, District Rampur, held in the year 2017. Being aggrieved successful candidate has preferred this appeal.

Submissions:

We have heard Shri Kapil Sibal, learned senior counsel instructed by learned counsel on behalf of the successful candidate whose election has been set aside by the High Court and Shri Aadil Singh Boparai, learned counsel for the respondent instructed by learned counsel.

8. The submissions on behalf of the appellant-successful candidate do not call for reiteration and are epitomised as under:

8.1. Learned senior counsel, Shri Kapil Sibal, appearing on behalf of the successful candidate submitted that the impugned judgment of the High Court had been rendered based on an erroneous appreciation of law and facts relating to the controversy at hand, and also on an incorrect

understanding of the fact in issue. That the appellant- successful candidate, at the time of filing his nomination as well on the date of polling, had completed the age of twenty-five years and was therefore competent in all respects to hold the office of Member of Legislative Assembly.

8.2. It was contented that the fact in issue in the present case is not whether the successful candidate entered his date of birth as 01.01.1993 in his official documents, but whether the successful candidate was actually born on 01.01.1993; or whether despite the fact that certain documents had recorded the successful candidate's date of birth to be 01.01.1993, he was actually born on another date, *i.e.*, 30.09.1990.

8.3. It was submitted that the best evidence as regards the actual date of birth of the successful candidate, was the testimonial evidence of the successful candidate's mother (DW-5) and the doctor (DW-3) who delivered the successful candidate. That the law of evidence requires that direct and primary evidence, if available, must be given for proof of a fact and such evidence would be the best evidence of such fact. This foundational rule is reflected, *inter-alia*, in Sections 59 to 65 and Section 91 of the Indian Evidence Act, 1872 (hereinafter referred to as "Evidence Act" for the sake of brevity). In the instant case, the evidence of the successful candidate's mother and the delivering doctor is direct oral evidence of the fact of birth of the successful candidate on a given date.

8.4. It was vehemently contended that DW-5's testimony was fully corroborated by the recitals in her service book and salary register, as also by the hospital records. That the hospital records such as the Emergency O.T. (E.O.T) register and the Maternity Labour room Register (MLR), were not only primary and direct evidences that were contemporaneous to the event of birth, but were also public documents which were produced from proper custody and therefore, they would be both relevant and admissible under Section 35 read with Section 74 of the Evidence Act.

8.5. Further, referring to the testimony of DW-3, namely, Dr. Uma Singh, who is stated to be the doctor who enabled the delivery of the successful candidate, it was submitted that the statements made by DW-3, when considered together with the hospital records, conclusively establish that the successful candidate was born on 30.09.1990. That DW-3 was one such witness, who was connected with the successful candidate's birth in a manner as would enable her to vouchsafe the truth as to the date of birth of the successful candidate. That the High Court committed a grave error in disregarding the evidence of DW-3 on the sole ground that she stated that she was unable to say with certainty that the baby born to DW-5 on 30.09.1990, was in fact, the successful candidate. That to expect DW-3 to make such an assertion, was an absurd requirement, which was not contemplated under law.

8.6. Shri Kapil Sibal, learned senior counsel sought to explain the discrepancy in the period of pregnancy of the successful candidate's mother, as recorded in Column 10 of the relevant entry in the maternity labour room register by stating that the age of the successful candidate's mother at the time, *i.e.*, 38 years, had been incorrectly entered in the column dedicated for 'period of pregnancy.' That this was in the nature of a clerical error and ought not to be held to have a material bearing on the authenticity of the record itself, more so, when all other details recorded in the said register were correct.

8.7. As regards the allegations of forgery and fabrication of the hospital records, it was averred that by making entries as to the successful candidate's birth on a later date, it would require a single horizontal space in the registers ought to have been kept blank since 1990, till whenever the successful candidate is alleged to have created the forged records. Such an assumption is wholly improbable and therefore, there is no possibility of forgery and fabrication of the hospital records. Further, no such absurd presumption could be made particularly when the hospital records stood

corroborated by the testimonial evidence of DW-4, namely, Dr. Vineeta Das, Head of the Department of Gynaecology and Obstetrics as well as by the birth certificate dated 21.04.2015 issued by DW-3 and DW 4 and proved by them.

8.8. It was next contended that the High Court's reliance on school records of the successful candidate, wherein his date of birth was incorrectly recorded as 01.01.1993, was misplaced. That school records are not direct evidence of the fact of birth and cannot, on a balance of probabilities, be given pre-eminence over direct evidence of the mother, delivering doctor and contemporaneously created hospital records. In order to buttress such averments, reliance was placed on ***Birad Mal Singhvi vs. Anand Purohit A.I.R. 1988 SC 1796; Sushil Kumar vs. Rakesh Kumar (2003) 8 SCC 673; Joshna Gouda vs. Brundaban Gouda (2012) 5 SCC 634.***

8.9. It was further submitted that the error in the school records had been sufficiently explained by DW-5, as well as DW-9, who is the person who is stated to have accompanied the successful candidate to get him admitted in school. That it is a common practice in India to give a belated date of birth at the time of admission in school so as to secure benefit of enhanced years of public service, and such practice has been acknowledged by this Court in ***Brij Mohan Singh vs. Priya Brat Narain Sinha and Ors. A.I.R. 1965 SC 282.***

8.10. As regards the election petitioner's reliance on the GIS nomination form of the successful candidate's mother, wherein she had stated that the successful candidate was eight years old as on 26.04.2001, it was submitted that the said document was neither direct nor contemporaneous proof of birth on a certain date. The GIS nomination form was at best a piece of circumstantial evidence which had no weight and could not establish that the successful candidate's date of birth was 01.01.1993.

8.11. On the basis of the aforesaid submissions, it was asserted that the election petitioner had not produced sufficient evidence so as to discharge the burden of proof to prove his positive case, as required under law, *vide Birad Mal Singhvi (supra)* and *Sushil Kumar (supra)*. That the entire case of the election petitioner was based on conjectures and farfetched presumptions as to exertion of pressure by the successful candidate's father, for issuance of forged certificates and therefore, the Election Petition ought not to have been entertained by the High Court.

With the aforesaid averments, it was prayed that the impugned judgment be set aside and the instant appeal be allowed by dismissing the election petition.

9. The submissions on behalf of the learned counsel for respondent-election petitioner Sri Boparai, are summarised as under:

9.1. Learned counsel for the election petitioner supported the impugned judgment and contended that there was no infirmity in the findings and decision of the High Court which would call for interference by this Court. Hence, it was prayed that the instant appeal may be dismissed and the judgment of the High Court dated 16.12.2019 be confirmed.

9.2. Learned counsel elaborated his submissions by contending that the nomination of the successful candidate herein to be a candidate for the Uttar Pradesh Legislative Assembly Elections from the Suar District Constituency, District Rampur, was erroneously accepted as the successful candidate was underaged and had not completed twenty-five years of age which is a qualification and an eligibility criterion under Article 173 (b) of the Constitution of India. That since the nomination of the successful candidate was improperly accepted and he was ultimately declared the successful candidate in the said election, the result was liable to be set aside which was rightly done by the High Court.

9.3. Learned counsel for the election petitioner contended that the correct date of birth of the successful candidate is 01.01.1993 as recorded in the Class-X mark-sheet of the successful candidate; the Passports issued to him dated 28.08.2006 and 13.07.2012, the successful candidate's original birth certificate dated 28.06.2012 issued by the Nagar Palika Parishad, Rampur, the Passport applications of the successful candidate pertaining to the year 2012 and the visa issued to the successful candidate dated 09.07.2014. It was further contended that the aforesaid documents are public documents and the same were not denied by the successful candidate, hence, they were admissible and relevant under Section 21 and 35 of the Evidence Act and a presumption would arise as to the validity of such documents.

9.4. It was next contended that the defence taken by the successful candidate that he came to know about the incorrect date of birth mentioned in the aforesaid documents only in the year 2015 and the Passport and other documents were eventually cancelled, did not inspire confidence as the successful candidate in his cross-examination had stated that the process of cancellation was initiated in the year 2018, much after the election petitioner filed the Election Petition before the High Court. That such a conduct of the successful candidate was demonstrative of the fact that attempts were made to fabricate an earlier date of birth in the records pertaining to the successful candidate, only when his election was challenged, and not prior to that.

9.5. Learned counsel for the election petitioner averred that he had discharged the initial burden of proof by adducing the aforesaid documents as evidence wherein the date of birth of the successful candidate was recorded as 01.01.1993. That the existence of such documents as well as the contents thereof stood admitted by the successful candidate; so also, the fact that the said documents were signed and submitted by him before the competent authorities. In that context, reliance was placed on the judgment of the Privy Council in **Rani Chandra Kunwar vs. Chaudhari Narpat Singh and Ors. (1906) SCC OnLine PC 26** to contend that once the successful candidate had admitted the execution of the aforesaid public documents, the onus of proof shifted on the successful candidate to adduce evidence to rebut the presumption and further demonstrate that his date of birth is 30.09.1990 and not 01.01.1993.

9.6. The election petitioner also relied on **Sushil Kumar vs. Rakesh Kumar (2003) 8 SCC 673**, to assert that, when both the parties have adduced evidence in an election petition, the question of onus of proof would become academic and therefore, it was for the Court to appreciate the contrary oral and documentary evidence and arrive at a conclusion, *de hors* considerations as to who was to discharge whole or part of the burden of proof.

9.7. Learned counsel for the election petitioner referred to the GIS (Group Insurance Scheme) Nomination form in the service book (Ex. R-11 Paper No. A-95/25) of the successful candidate's mother, which was proved in evidence by DW-1- S. K. Tiwari, Assistant Director of Higher Education, Uttar Pradesh, to contend that the said form was signed by the mother of the successful candidate on 26.04.2001 and in the said form she had admitted that the successful candidate was eight years old as on 26.04.2001. Such an admission was conclusive proof of the fact that he was born in the year 1993 and was therefore eight years old in April, 2001. The said GIS Form was adduced as a piece of evidence by the successful candidate and was also adverted to by DW-5 – Dr. Tazeen Fatima in her cross-examination. However, she did not offer any explanation as to the successful candidate's age in the said form. In this regard, reliance was placed on the judgment of this Court in **P.C. Purushothama Reddiar vs. S. Perumal (1972) 1 SCC 9** wherein it was observed that once a document is properly admitted, the contents of that document are also admitted in evidence and no further evidence would have to be let in by the party relying on such an admission to establish the fact so admitted.

9.8. It was submitted that the E.O.T Register (Ex. R-4 Paper No. A-100/1-2) and the M.L.R. Register (Ex. R-5 Paper No. A-101/1-2) adduced as evidence by the successful candidate, were neither authenticated nor certified by the competent authority of Queen Mary's Hospital. There were irregularities including entry of wrong name, discrepancy in the records pertaining to period of pregnancy, etc., which were admitted by DW-3, Dr. Uma Singh, in her cross-examination and more importantly, D.W.3 also stated that she could not confirm that the successful candidate was born on 30.09.1990.

9.9. It was next contended that the Birth Certificate issued by the Nagar Nigam, Lucknow, wherein the date of birth of the successful candidate was shown as 30.09.1990, was based on a purported entry in the birth register (Ex. R-12 A 96/4-5) which was tendered as evidence by DW-2, Dr. Archana Dwivedi, Additional Municipal Commissioner, Nagar Nigam, Lucknow and the said entry was as a result of manipulation of the public records. That DW-2 in her cross-examination had stated that the birth register was maintained by a clerk and was not in the prescribed format as per the mandate of the Registration of Births Act, 1969, (hereinafter referred to as the "Act", for the sake of brevity), and the same had not been authenticated or verified by a competent official. Further, the birth register was not paginated and the entry of the name of the successful candidate's mother was not made in a chronological order. Also, DW-2 testified that the Birth List maintained by the hospital, on the basis of which birth entry of successful candidate's name was made in the birth register maintained by the municipality, was not available. Therefore, the substratum or the basis of making the entry in the birth register maintained by the municipality was not available and hence, the corresponding entry was a result of extraneous factors.

9.10. Further, it was submitted that reliance placed by the successful candidate on the result of the ossification test did not prove that he was born on 30.09.1990. In order to buttress such contention, learned counsel for the election petitioner placed reliance on *Mukarrab and others vs. State of U.P. (2017) 2 SCC 210* wherein it was observed by this Court that Ossification Test cannot be solely relied upon and is not a conclusive proof of age. In furtherance of such an argument, learned counsel for the election petitioner referred to the testimony of DW-8, Dr. Satbir Singh Ken, who, in his cross-examination had admitted that ossification test is not a definitive proof of age as the result of such a test could vary from the actual age, to a certain degree.

With the aforesaid averments, it was prayed that the present appeal be dismissed as being devoid of merit and the impugned judgment be confirmed.

Points for consideration:

10. Article 173(b) of the Constitution of India states that a person shall not be qualified to be chosen to fill a seat in the legislature of the state unless he is, in the case of seat in the legislative assembly, not less than twenty-five years of age and in the case of a seat in the legislative council not less than thirty years of age.

Having heard learned senior counsel and learned counsel for the respective parties and on perusal of the material on record, the following points would arise for consideration:

(i) *Whether the High Court was correct and justified in allowing Election Petition No.08 of 2017 filed by the election petitioner against the successful candidate and thereby setting aside the election of the successful candidate to the office of Member of Legislative Assembly, from 34-Suar Constituency, District Rampur, Uttar Pradesh, on the ground that there was improper acceptance of successful candidate's nomination paper and there was a breach of Article 173(b) of the Constitution of India ?*

(ii) *What order ?*

11. The narration of facts and contentions would not call for reiteration except stating that the successful candidate is aggrieved by his election to the Legislative Assembly *vis-à-vis* 34- Suar Constituency, District Rampur, Uttar Pradesh, being set aside at the instance of the election petitioner by the impugned judgment of the High Court.

12. Before proceeding to consider the evidence let in by the respective parties in order to ascertain whether, the conclusions arrived at by the High Court in allowing the Election Petition filed by the election petitioner herein, are just and proper, it is necessary to discuss and delineate on the relevant judgments of this Court cited at the Bar with regard to burden of proof in light of the relevant provisions of the Evidence Act.

12.1. The legal scheme governing various aspects of ‘burden of proof’ in the Indian context, is contained in Sections 101 to 106 of the Indian Evidence Act.

12.2. As per Section 101 of the Indian Evidence Act, when a person is bound to prove the existence of any fact, it is said that the burden of proof lies on that person. This section is based on the rule, *ei incumbit probatio qui dicit, non qui negat*, which means that the burden of proving a fact rests on the party who substantially asserts the affirmative of the issue and not upon the party who denies it, because a negative is usually incapable of proof. The burden of proving a fact always lies upon the person who asserts and until such burden is discharged, the other party is not required to be called upon to prove his case. The court has to examine as to whether the person upon whom the burden lies has been able to discharge his burden. However, the above rule is subject to the general principle that things admitted need not be proved.

12.3. The question as to whether burden of proof has been discharged by a party to the *lis* or not, would depend upon the facts and circumstances of the case. If the facts are admitted or, if otherwise, sufficient materials have been brought on record so as to enable a Court to arrive at a definite conclusion, it is idle to contend that the party on whom the burden of proof lies would still be liable to produce direct evidence, *vide National Insurance Co. Ltd. vs. Rattani (2009) 2 SCC 75: AIR 2009 SC 1499*.

12.4. Burden to prove documents lie on plaintiff alone as onus is always on the person asserting a proposition or fact which is not self-evident. This position is summarised in the observation to the effect that, an assertion that a man who is alive was born requires no proof; the onus, is not on the person making the assertion, because it is self-evident that he had been born. But to assert that he had been born on a certain date, if the date is material, requires proof; the *onus* is on the person making the assertion, *vide Robins vs. National Trust & Co. Ltd. 1927 AC 515: 101 IC 903*.

12.5. It is also to be noted at this juncture that there is an essential distinction between burden of proof and onus of proof. Burden of proof lies upon a person who has to prove the fact and it never shifts, onus of proof on the other hand, shifts. Such a shifting of onus is a continuous process in the evaluation of evidence. For instance, In a suit for possession based on title, once the plaintiff has been able to create a high degree of probability so as to shift the onus on the defendant, it is for the defendant to discharge his onus and in the absence thereof, the burden of proof lying on the plaintiff shall be held to have been discharged so as to amount to proof of the plaintiffs title, *vide RVE Venkatachala Gounder vs. Arulmigu Viswesaraswami and VP Temple AIR 2003 SC 4548 (4558-59): (2003) 8 SCC 752*.

12.6. In terms of section 102 of the Evidence Act, the initial burden to prove its claim is always on the plaintiff and if he discharges that burden and makes out a case which entitles him to a relief, the onus shifts to the defendant to prove those circumstances, if any, which would disentitle the plaintiff of the same.

12.7. Where, however, evidence has been led by the contesting parties, abstract considerations of onus are out of place and truth or otherwise must always be adjudged on the evidence led by the parties [*Kalwa Devadattam vs. Union A.I.R. 1964 SC 880*]

12.8. As per Section 103, the burden of proof as to any particular fact lies on that person who wishes the Court to believe in its existence, unless it is provided by any law that the proof of that fact shall lie on any particular person. This section amplifies the general rule in section 101 that the burden of proof lies on the person who asserts the affirmative of the issue. It lays down that if a person wishes the court to believe in the existence of a particular fact, the onus of proving that fact, is on him, unless the burden of proving it is cast by any law on any particular person.

12.9. Section 105 is an application of the rule in section 103. When parties to a dispute adduce evidence to substantiate their claim, onus becomes academic and divided, entailing each party to prove their respective plea.

12.10. Section 106 is an exception to the general rule laid down in Section 101, that the burden of proving a fact rest on the party who substantially asserts the affirmative of the issue. Section 106 is not intended to relieve any person of that duty or burden but states that when a fact to be proved is peculiarly within the knowledge of a party, it is for him to prove it. It applies to cases where the fact is especially within a party's knowledge and to none else. The expression 'especially' used in Section 106 means facts that are eminently or exceptionally within one's knowledge. This means a party having personal knowledge of certain facts has a duty to appear as a witness and if he does not go to the witness box, there is a strong presumption against him. In an Election Petition, the initial burden to prove determination of age of returned candidate lies on the petitioner, however, burden lies on the respondent to prove facts within his special knowledge. (*Sushil Kumar vs. Rakesh Kumar (supra)*)

12.11. The provisions of Section 106 are unambiguous and categorical in laying down that when any fact is especially within the knowledge of a person, the burden of proving that fact is upon him. If he does so, he must be held to have discharged his burden but if he fails to offer an explanation on the basis of facts within his special knowledge, he fails to discharge the burden cast upon him by Section 106.

[Source: Sarkar on Law of Evidence, 20th Edition, Volume 2.]

12.12. In *Sushil Kumar vs. Rakesh Kumar (supra)*, the controversy was with regard to the improper acceptance of the nomination of the sole respondent therein on the premise that he was under qualified to contest the Bihar Legislative Assemble election from 181, Parbatta Constituency. In the said case, *inter alia*, the horoscope of the respondent therein and admission register of New St. Xaviers School, Boring Road, Patna and transfer certificate issued by Swami Vivekananda Vidyalaya, Mithapur, Patna, were produced as documents to prove that the successful candidate therein was not eligible to contest the said Assembly election. In the said case, Section 35 of the Indian Evidence Act was referred to and it was observed that the register maintained in terms of a statute or by a statutory authority in regular course of business would be a relevant fact and if such vital evidence had been produced, it would clinch the issue. It was observed that there is no reliable evidence on record to show that the date of birth was recorded in the school register on the basis of the statement of any responsible person and that the admission register or a transfer certificate issued by a primary school do not satisfy the requirements of Section 35 of the Evidence Act.

Further, reference was made to *Brij Mohan (supra)* as well as *Birad Mal Singhvi (supra)* and it was observed that in the absence of primary material on the basis whereof the age was recorded, it would not be possible to accept the evidence produced therein. While examining the admission

register of the school relied upon by the successful candidate therein, it was observed that entries in the said register had been made by one person with two different pens in one sitting. Also, there were other alterations in the said register and hence, no credence could be given to the same. It was observed that forgery in the register had been done in a crude form and the High Court had noticed the same but still proceeded to rely upon the said documents which amounted to a misdirection in law. It was further observed that the respondent therein had special knowledge as to in which school he had studied and should have disclosed the same instead of disclosing the details of his education. He had taken recourse to *suppression veri* and *suggestion falsi* and had produced documents which were apparently forged and fabricated. The respondent therein could not have been admitted in New St. Xaviers Junior School, being overaged and the evidence of father of the respondent was not trustworthy. Further, the horoscope filed by the respondent in the said case did not inspire confidence. Further, DW-2 who let in evidence on the horoscope was a bystander who had nothing to do either with the preparation of the horoscope or with the writing thereof and his evidence was not trustworthy and the horoscope could not have been looked into for any purpose whatsoever. Also, an application was filed on behalf of the respondent therein in respect to the occurrence which took place in April, 1995, and the date of birth of the appellant was said to be fourteen years as on that date, and, thus, sixteen years in the year 1996 and was below twenty-five years of age on the date of filing of the nomination.

With reference to the averments made in the bail application on behalf of the respondent therein and the same being an admission, reliance was placed on ***Thiru John vs. Returning Officer (1977) 3 SCC 540*** to observe that a party's admission as defined in Sections 17 to 20, fulfilling the requirements of Section 21 of the Evidence Act, is substantive evidence *proprio vigore*. An admission, if clearly and unequivocally made, is the best evidence against the party making it and even though conclusive, shifts the onus on to the maker on the principle that 'what a party himself admits to be true may reasonably be presumed to be so and until the presumption was rebutted, the fact admitted must be taken to be established.'

It was further observed in para 65 of the said judgment that :

“65. Furthermore, a person should not be permitted to take advantage of his own wrong. He should either stand by his statement made before a court of law or should explain the same sufficiently. In the absence of any satisfactory explanation, the court will presume that the statement before a court is correct and binding on the party on whose behalf the same has been made.”

Under Section 58 of the Indian Evidence Act, a fact admitted need not be proved.

12.13. In ***Narender Singh vs. Mala Ram and Ors. (1999) 8 SCC 198***, the controversy was with regard to the improper rejection of nomination papers and the filing of an Election Petition by the candidate whose nomination papers were improperly rejected and improper acceptance of the nomination papers of the returned candidate. This Court speaking through Rajendra Babu, J., discussed about consideration and appreciation of evidence in an election dispute. In para 15 of the judgment, it was observed that the general principle in the matter of appreciation of evidence in an election dispute is that the onus to prove the essential facts which constitute the cause of action in such a dispute is upon the person making it, namely, the election petitioner. What evidence would be sufficient to prove a particular fact depends upon the circumstances of each case. When the evidence adduced is capable of drawing an inference either way, the view that is favourable to the returned candidate will have to be preferred. Reference was made to ***Ram Singh vs. Col. Ram Singh 1985 (Supp.) SCC 611***, wherein, it was observed that “in borderline cases the courts have to undertake the onerous task of, ‘disengaging the truth from falsehood, to separate the chaff from the grain’.”

Analysis:

I shall now analyse the oral and documentary evidence on record in order to assess the correctness of the findings of the High Court.

i) Re: Passports and Visas of the appellant-successful candidate:

13. The election petitioner adduced Ex. P-1 and P-3 wherein the date of birth of the successful candidate was shown as 01.01.1993, to contend that the successful candidate was less than 25 years of age at the time of filing his nomination and the fact that the aforesaid documents indicated the date of birth as 01.01.1993 was not disputed by the successful candidate although the said date was not accepted as his date of birth.

13.1. It is noted that the successful candidate had made applications under his own signature to obtain the Passports in the year 2006 and 2012 (Ex. P-1 – Paper No. A- 49/1-4) wherein he had mentioned his date of birth as 01.01.1993. Therefore, the High Court held that the successful candidate had always been aware of the fact that in the educational certificate and Passports, his date of birth was shown as 01.01.1993 and had accepted the same till the year 2015.

13.2. PW-2, Shri. Mohd. Naseem, Passport Officer, Bareilly, deposed that he had brought photocopies of the documents referred to by the successful candidate at the time of making an application for the issuance of his Passport No. K-7951741 which was issued to him on 13.07.2012 from Bareilly Passport Office. PW-2 deposed that the successful candidate had annexed a copy of his birth certificate issued by the Health Department/Municipal Corporation, Rampur, on 28.06.2012, along with a copy of his online application form, a copy of a pass book pertaining to his bank account held with State Bank and a copy of his old Passport No. F-8757022 issued on 28.08.2006 which was valid till 31.12.2010. To a question whether self-attested copies of documents submitted by an applicant are maintained in the records, PW-2 deposed that original copies are returned and self-attested copies are scanned.

13.3. When a question was posed as to whether by modifying the particular entry of date of birth in the successful candidate's old Passport No. K- 7951741, a new Passport No. Z-4307442 after mentioning his date of birth as 30.09.1990 was issued to him on 10.01.2018, PW-2 deposed that he was not in a position to answer the question as each application was available separately in the P.S.P. system. He deposed that in compliance of the Court's order, he had brought only the available record of Passport No. K-7951741 and if after that a new Passport No. Z-4307442 was issued, he would have to check from the system. That he would be able to present records pertaining to Passport No. Z- 4307442 on the next date fixed by the Court, if the same had in fact been issued.

13.4. Further, on perusal of Ex. P-1, paper No. A-49/1-4, which is the Passport application dated 06.07.2012 made by the successful candidate, I am of the opinion that the same is made under his own signature and records his date of birth as 01.01.1993, and place of birth as Rampur. In that background, it is necessary to examine whether the information entered in the Passport application dated 06.07.2012, would amount to proof, as to the contents of such application, including the date and place of birth entered therein.

13.5. I am of the view that great evidentiary value has to be attached to an application submitted to a government establishment or Office, such as a Passport Office and the details entered in such application, together with the documents submitted therewith, must be understood to be tendered by the applicant who signs the application form thereby accepting that the information submitted therein is true and correct and to the best of his knowledge. I find that the successful candidate herein, having signed the application form dated 06.07.2012 wherein it has been expressly entered

that his date of birth was 01.01.1993 and place of birth was Rampur, cannot, at a later juncture claim that he was unaware, till the year 2015 that his date of birth as per various documents was 01.01.1993 and his place of birth was Lucknow. The fact that the successful candidate self-attested the birth certificate issued by the Municipal Corporation, Rampur, wherein his date of birth has been recorded as 01.01.1993, would establish that the successful candidate acknowledged, accepted and sought to rely on such fact in order to secure a Passport on the basis of such information. It is therefore not open to the successful candidate to subsequently resile from the aforesaid clear admission and contend that he was unaware that an 'incorrect' date of birth was recorded in certain documents. Having admitted the fact that his date of birth was 01.01.1993 and place of birth was Rampur, in the application form dated 06.07.2012 which was at an undisputed point of time, the successful candidate cannot resile from the same.

13.6. I also take note of the fact that the successful candidate had travelled to many foreign countries on his Passports which were obtained in the year 2006 and 2012 and the visa which was granted in the year 2014 and in these documents his date of birth was shown as 01.01.1993. I am unable to accept that the successful candidate, who regularly used the Passports obtained in the years 2006 and 2012 for international travel, failed all along, to notice that the date of birth recorded in the Passports was incorrect. I refuse to believe that an educated individual such as the successful candidate herein, had not, in over nine years (2006 to 2015) looked at the first page of his Passport and only later grasped that the date of birth entered therein was 'incorrect' only while he was on the verge of entering politics and contesting an election to the Legislative Assembly.

13.7. Further, I also take note of the deposition of P.W.4. who deposed that all the papers related to Birth Certificate No. 3857, Register No. R.N.P.B. 2012-03857, dated 28.06.2012 had been destroyed in a fire due to a short circuit on 08.05.2015 in the office of Nagar Palika Parishad, Rampur and that no papers pertaining to a period prior to such date were available in the Office of Nagar Palika Parishad, Rampur. That such documents were available only in a computer-generated form and a copy of Birth Certificate No. 3857, Register No. R.N.P.B. 2012-03857, dated 28.06.2012 was produced wherein the successful candidate's date of birth was recorded as 01.01.1993.

13.8 The stand taken by the successful candidate that all documents pertaining to the Birth Certificate dated 28.06.2012 were burnt due to a short circuit on 08.05.2015 in the office of Nagar Palika Parishad, Rampur, would suggest that the said birth certificate, wherein the date of birth of the successful candidate was recorded as 01.01.1993 came to be later cancelled under suspicious circumstances. It is rather strange that a birth certificate pertaining to the year 1993, was destroyed in the year 2015 under peculiar circumstances, at a time when the successful candidate was making several efforts to get his date of birth changed in various records. It is rather unbelievable that just when the successful candidate began assuming an active role in politics and undertook various efforts towards correcting his date of birth in several records, *i.e.*, in the year 2015, the birth certificate and relevant documents pertaining to the said certificate, wherein the date of birth of the successful candidate was recorded as 01.01.1993 came to be destroyed in a fire and was accordingly cancelled.

13.9. It is further noted that an application seeking a birth certificate was made on 28.06.2012 bearing No. RNPP 2012-03857 to the Nagar Palika Parishad, Rampur and on the same date, birth certificate was issued to the successful candidate showing the date of birth as "01-Jan-1993". The place of birth was shown as "घेर मीर बाज खा, जेल रोड, रामपुर". The said address is shown to be the address of his parents at the time of birth of the child *i.e.*, the successful candidate as well as the permanent address of parents. The inference to be drawn from the said document is that in the year 2012, the petitioner consciously applied to Nagar Palika Parishad, Rampur for obtaining the birth

certificate in order to append the same for obtaining a new Passport. The further inference that I draw from the said document is that the successful candidate has sought his birth certificate from the Nagar Palika Parishad, Rampur as he was born at Rampur and the birth certificate clearly indicates that he was born on 01.01.1993. Subsequently, the said birth certificate was cancelled. PW-4 has deposed that all the documents relating to the issuance of birth certificate to the successful candidate were destroyed in fire on 08.05.2015 which is indeed strange and mysterious as by then the successful candidate had already obtained “duplicate” birth certificate from the Municipal Corporation, Lucknow.

ii) Re: Educational Certificates of the successful candidate:

14. As per the Secondary School examination Class X certificate (Exhibit P4, paper no. A-25/1) issued in the year 2007 by the C.B.S.E., the successful candidate's date of birth has been recorded as 01.01.1993. The High Court has observed that the stand taken by the successful candidate in this regard is that he came to know that his date of birth was ‘incorrectly’ mentioned as 01.01.1993 in the Certificate of Secondary School Examination (Class X) only in the year 2015 when he was scrutinising his educational records, was unbelievable and untrue.

14.1. As regards the successful candidate's educational records, which record his date of birth to be 01.01.1993, his version is that due his father's busy social and political life, his father's friend Shahzeb Khan (DW-9) got him admitted in the Nursery Class of St. Paul School, Rampur. It is the successful candidate's case that his date of birth was incorrectly recorded as 01.01.1993 instead of 30.09.1990 and the same continued in all his educational records. That he made an application to C.B.S.E. through the Principal of St. Paul School to change the date of birth mentioned in his records and also sent many reminders to the school and the same were forwarded to the office of C.B.S.E. in Allahabad, however, till date no information had been given to him by C.B.S.E.

14.2. In this regard, D.W.-5 mother of the successful candidate deposed that her family friend Shahzeb Khan (DW-9) took the successful candidate to St. Paul School, Rampur, for his admission in Nursery Class in the year 1995 and wrongly entered the date of birth as 01.01.1993 instead of 30.09.1990 in the admission form. That the successful candidate was born on 30.09.1990 and the date of birth mentioned in his educational record was incorrect. DW-5 was asked if she knew that her son-the successful candidate had mentioned his date of birth in Class X, Class XII, under graduate degree and post graduate degree as 01.01.1993. DW-5 deposed that when her son was in the final year of his graduation, he informed her that the date of birth in his educational record was wrongly mentioned and that the date of birth in other educational records could not be corrected without changing the date of birth mentioned in the Class-X Certificate. Therefore, an application was made to the Principal, St. Paul School Rampur, to correct the date of birth as per the school records.

14.3. DW-9, who is stated to be the person who accompanied the successful candidate to St. Paul School to get him admitted in nursery class was also examined. DW-9 deposed that in the year 1995, he took the successful candidate to St. Paul's School, Civil Lines, Rampur, to get him admitted into the said school. That after completing the admission process, the master who was in charge of giving admission, got the successful candidate enrolled in Nursery class and put his date of birth as 01.01.1993 in the admission form and asked DW-9 to sign it and DW-9 signed the same.

14.4. I am of the view that the version narrated by the successful candidate to explain the ‘error’ in his date of birth, as recorded in all educational records, would not aid the successful candidate's case.

Further, it is to be noted that DW-5-Tazeen Fatima in Paragraph 12 of her Examination-in-Chief and the successful candidate in Paragraph 53 of his written statement had stated that DW-9- Shahzeb Khan, the successful candidate's father's friend, had got him admitted in the nursery class of St. Paul School, Rampur, in the year 1995, and had inadvertently mentioned the date of birth of the successful candidate as 01.01.1993. However, DW-9- Shahzeb Khan, in Paragraph 5 of his Examination-in-Chief has deposed that the master had written the date of birth of the successful candidate in the admission form. Therefore, I am not inclined to attach much weight to the statements of either DW-5 or DW-7 in this regard as they are inconsistent with each other.

14.5. It is further noted that the successful candidate has emphatically stated that his date of birth is 30.09.1990 and not 01.01.1993 and that an erroneous date was given at the time of his admission to nursery class in the year 1995. This would mean that the successful candidate was sought to be admitted in nursery class when he was about 5 ½ years of age which is not believable as he would be over-aged for that class. On the other hand, if he was born on 01.01.1993, it is possible that at 2 ½ years he would have been admitted to nursery class which is the right age to get admission in nursery. Further, the successful candidate has completed his 10th standard in the year 2007 and his 12th standard in the year 2009 which would mean that the successful candidate was about 14 ½ years when he completed his 10th standard and 16 ½ years when he completed his 12th standard which is the normal age to do so. If according to the successful candidate his actual date of birth is 30.09.1990, the inference is that he would have been about 17 ½ years when he completed his 10th standard and 19 ½ years when he completed his 12th standard which is improbable. Also, there is no explanation on record as to why at a belated age he has completed his 10th standard and intermediate examination in the year 2009.

14.6. D.W.-7 who is the Director of St. Paul School, Rampur, was also examined to prove the version narrated by the successful candidate. He deposed that the successful candidate addressed a letter dated 23.03.2015 to the school stating therein that in the year 2015 he came to know that his date of birth was incorrectly entered in his educational certificates as 01.01.1993 whereas his actual date of birth was 30.09.1990 and he requested DW-7 to make the necessary changes. He in turn forwarded the letter dated 23.03.2015 to the Regional Office, C.B.S.E., Allahabad, along with a letter issued by him to the Regional Office, C.B.S.E., dated 15.04.2015 wherein he had requested C.B.S.E. to correct the successful candidate's date of birth. Also, he had sent two reminders to the Regional Office, C.B.S.E., Allahabad, on 19.05.2015 and 21.09.2015 stating that in the register of birth and death and the Birth Certificate provided by the Hospital, the date of birth of the successful candidate was shown as 30.09.1990 and therefore, it should be changed from 01.01.1993 to 30.09.1990. Further, in the reminders, DW-7 stated that in the register of birth and death and the Birth Certificate provided by the Hospital, the date of birth of the successful candidate was shown as 30.09.1990 and therefore, the date of birth in the educational records should also be changed from 01.01.1993 to 30.09.1990.

14.7. It is further noted that on the request made on behalf of the successful candidate, several letters were addressed by the Principal of St. Paul School, Rampur to the Regional Officer, Central Board of Secondary Education, Allahabad requesting for permission to correct the date of birth of the successful candidate. Further, the said permission was not granted and on 30.10.2017, a letter was addressed to the mother of the successful candidate – DW-5 stating that the matter was twenty years' old and it was not possible for the school to trace the required details. This would imply that the school records continue to show the date of birth of the successful candidate as 01.01.1993 and on that basis the other educational records of the successful candidate also indicate his date of birth as 01.01.1993. On perusal of the application seeking Passport application form submitted by the

successful candidate, it is noted that his date of birth and place of birth have been mentioned as 01.01.1993 and at Rampur. Further, two references given by him are Rafi Raja Khan and Rizwan Mohammad Khan also residing at Ghair Meer Baaz Khan, Jail Road, Rampur. The permanent residential address details of the successful candidate were also shown as Ghair Meer Baaz Khan, Jail Road, Rampur, Ganj, Uttar Pradesh. This would imply that in the school records, the date of birth of the appellant continues to be 01.01.1993 and his place of birth as Rampur.

14.8. But since DW-7 in his request made to the C.B.S.E. relied on the entry made in the register of birth and death and the Birth Certificate provided by the Hospital, it is necessary to examine whether the said register and the hospital records were genuine and can be relied upon. Accordingly, such questions are examined in the following section of the analysis.

iii) Re: Whether the Birth Certificate bearing Registration No.>NNLKO-B- 2015-292611 issued on 21.01.2015 by the Nagar Nigam, Lucknow, was a valid piece of evidence?

15. To ascertain the validity of the birth certificate bearing Registration No.>NNLKO-B-2015-292611 issued on 21.01.2015 by the Nagar Nigam, Lucknow, the High Court placed reliance on the following documents: a) (Ex. R-12 A- 96/1-5), b) (Ex. R-12 A-96/3), c) (Ex. 12 Paper No. A-96/4-5)

15.1 On perusal of the aforesaid documents and the original hospital file relating to the issuance of birth certificate of the successful candidate, produced by DW-2, it is observed that the file merely contained an application and an affidavit (Ex. R-12 A-96/1-5) dated 17.01.2015 made by the successful candidate's mother to the City Health Officer, Nagar Nigam, Lucknow, for the issuance of a birth certificate and a computer generated sheet (Ex. R-12 A-96/3) which contained particulars of registration of birth of the successful candidate.

15.2. The High Court further noted that the birth register (Ex. 12 Paper No. A- 96/4-5) adduced by DW-2 was neither authenticated nor certified by any competent officer and was not even paginated. That DW-2 in her cross-examination had admitted that the Birth Register was maintained by a clerk and was not in the prescribed format as per the mandate of the 1969 Act, and the same had not been authenticated or verified by a competent official. Further, the Birth Register was not paginated and the entry of the name of the successful candidate's mother was not made in a chronological order. DW-2 further testified that the Birth List maintained by the hospital, on the basis of which birth entry is made in the birth register maintained by the municipality, was not available. On the basis of the afore-stated oral and documentary evidence, the High Court held that the Birth Register (Ex. 12 Paper No. A-96/4-5) was a clear case of manipulation and interpolation, as the entry of the successful candidate's date of birth and name was inserted in the small space at the bottom of the page showing it to have been made on 30.09.1990. It was also noted that the successful candidate's entry in the Birth Register did not bear any signature or an order of any authority of the Nagar Nigam, Lucknow, or the Sub-Divisional Magistrate; the High Court, therefore held that the entry of the successful candidate's name was not made on 30.09.1990 and that the said entry was an interpolation.

15.3. The High Court, on perusal of the affidavit (Ex. R-12 A-96/1-5) dated 17.01.2015 made by Dr. Tazeen Fatima (DW-5), mother of the successful candidate while seeking issuance of the duplicate birth certificate, held that the successful candidate's mother in the said affidavit had concealed the fact that another Birth Certificate (Ex. P-3 Paper No. A-80/1) issued by the Nagar Palika Parishad, Rampur, existed and was subsequently cancelled on 30.01.2015.

15.4. It is further observed that the mother of the successful candidate made an application to the City Health Officer, Nagar Nigam, Lucknow, for the issuance of the birth certificate on 17.01.2015, after twenty-five (25) years of the birth of the successful candidate and the same was

endorsed by an officer of the Nagar Nigam, Lucknow, on 19.01.2015 and immediately thereafter *i.e.* two days later, a certificate was issued to the successful candidate on 21.01.2015. That the birth certificate was issued without following the mandatory provisions of Section 13 of the 1969 Act. Also Rule 9 of the U.P. Registration of the Birth and Death Rules, 2002 and Section 13(3) of the 1969 Act, provided that any birth or death which had not been registered within one year of its occurrence, shall be registered only on an order made by a Magistrate of First Class or a Presidency Magistrate after verifying the correctness of the birth or death and upon payment of the prescribed fee. Rule 9(3) of the U.P. Registration of the Birth and Death Rules, 2002, provided that any birth or death which had not been registered within one year of its occurrence, shall be registered only on an order of the Sub- Divisional Magistrate and after payment of a late fee of Rs. 10/-. I am therefore of the view that, the Nagar Nigam, Lucknow, had no jurisdiction to register the birth of the successful candidate after twenty-five years from the date on which he was stated to be born by the issuance of the Birth Certificate on 21.01.2015 (Ex. P-2 Paper No. A-63/1) without an order of the Sub-Divisional Magistrate as required under Section 13(3) of the 1969 Act, read with Rule 9(3) of the U.P. Registration of the Birth and Death Rules, 2002. In fine, it is held that the birth certificate (Ex. P-2 Paper No. A-63/1) issued by the Nagar Nigam, Lucknow, on 21.01.2015 was null and void.

15.5. From the impugned judgment, it is further noted that the entry with respect to the successful candidate's date of birth in the Birth Register, showing it to be 30.09.1990, was inserted in all probability in the year 2015. The High Court took note of the fact that the birth certificate was issued to the successful candidate on 21.01.2015 by the Nagar Nigam, Lucknow, and at that time, the father of the successful candidate was a Cabinet Minister of the Department of Urban Development and Local Bodies and the Nagar Nigam, Lucknow, came under his Ministry. The High Court was therefore of the view that the entry in the birth register was a result of undue pressure on authorities by the interested parties and was clearly manipulated. The High Court therefore, held that the evidence adduced by Dr. Tazeen Fatima (DW-5), mother of the successful candidate and by DW-10- the successful candidate, was false and wholly untrustworthy.

15.6. In order to ascertain the validity of the Birth Certificate bearing Registration No. NNLKO-B-2015-292611 issued on 21.01.2015 by the Nagar Nigam, Lucknow, regard must be had to the request letter addressed by the mother of the successful candidate - DW-5 – Tazeen Fatima dated 19.01.2015 to the City Health Officer, Nagar Nigam, Lucknow, for the issuance of a birth certificate to the successful candidate and the copy of the Birth Register maintained by the Nagar Nigam, Lucknow, in which entry in the name of the successful candidate was made on 30.09.1990.

15.7. DW-2 Dr. Archana Dwivedi, Additional Principal Commissioner, Lucknow, deposed that as per the Court's order dated 27.05.2019, she had brought the original birth certificate of the successful candidate issued on 21.01.2015 and the Birth Record of Queen Mary's Hospital from 01.01.1990 to 31.12.1990. She admitted that the register/hospital's birth record did not contain page numbers nor had it been certified by any competent officer or been attested. DW-2 placed before the Court the relevant entry in the hospital birth record which pertained to Tazeen Fatima's delivery on 30.09.1990. In the course of cross-examination, on being asked whether it was necessary to maintain the birth register in the format laid down in 1969 Act, DW-2 answered in the affirmative; however, in response to the question as to whether the birth register produced by her in Court was in the prescribed format, she answered in the negative. When asked on what basis the entry was made in the birth register on 30.09.1990 and whether she had brought any papers related to it, DW-2 deposed that the entries in the birth register were made according to the birth list provided by the hospital, however, the said list was not available to be produced before the Court.

15.8. Answering a question as to, after how many days of making the related entries in the birth Register, the birth certificate is issued, DW-2 deposed that the birth certificate is issued when an applicant addresses a request letter and the birth is registered immediately after receiving a birth list from the hospital.

15.9. It is noted that the birth certificate dated 21.01.2015, is said to have been issued by the Nagar Nigam, Lucknow, on the strength of the entry made in the birth register maintained by the Queen Mary's Hospital, Lucknow, wherein it was recorded that the successful candidate's mother delivered a male child on 30.09.1990. As per the testimony of DW-2, entries in birth register are made according to the birth list provided by the hospital. Therefore, in order to give any finding as to the validity of the birth certificate dated 21.01.2015, issued by the Nagar Nigam, Lucknow, the validity of the antecedent documents, such as the birth register and birth list maintained by the hospital, on the strength of which the birth certificate dated 21.01.2015 was issued, needs to be examined.

15.10. As is evident from the relevant portion of DW-2's cross examination, although the birth register was to be maintained in the format prescribed in this regard in the 1969 Act, such format was not followed in the present case, while recording the entry pertaining to the successful candidate's birth on 30.09.1990. Further, while it is stated that such entry was recorded in the birth register on the basis of a birth list maintained by the hospital, it is admitted that the birth list pertaining to the successful candidate's birth is not available. This means, the basis of making the entry in the birth register maintained by the municipality was not available.

15.11. These facts are to be further considered in light of the finding of the High Court to the effect that the entry pertaining to the successful candidate was inserted in a small space at the bottom of the page, in the birth register, showing it to have been made on 30.09.1990.

15.12. It is also noted that in the relevant column of the birth register, the successful candidate was recorded as a 'Hindu'. This would further strengthen the case of the election petitioner that the successful candidate's details were subsequently added in a space in the register, which originally pertained to some other birth.

15.13. In light of the aforesaid discussion, I am of the view that no weight can be placed on the birth certificate dated 21.01.2015, issued by the Nagar Nigam, Lucknow, which is stated to be issued on the strength of an entry made in the birth register maintained by the hospital and is created by manipulation and interpolation in the relevant hospital records. It is therefore held that in the absence of any explanation as to why the relevant birth list, forming the basis of the entry in the birth register, was not available to be produced before the Court, no evidentiary value can be attached to the birth register. It is consequently held that the birth certificate dated 21.01.2015, issued by the Nagar Nigam, Lucknow on the strength of such documents, cannot be held to be a valid document.

15.14. It is also to be noticed that Birth Certificate showing the date of birth of the successful candidate as 01.01.1993 was still holding the field and valid and thus till the same was cancelled subsequently, the successful candidate had two Birth Certificates showing his date of birth at two different places and on two different dates, namely, one on 01.01.1993 at Rampur and another on 30.09.1990 at Lucknow which clearly indicates that only one Birth Certificate was valid and correct as far as successful candidate's date of birth is concerned. In my view, the certificate showing the date of birth of the successful candidate as 01.01.1993 at Rampur is the correct certificate and not the one subsequently obtained in the year 2015.

15.15. In light of the above discussion, the finding of the High Court as to the invalidity of the birth certificate dated 21.01.2015, issued by the Nagar Nigam, Lucknow, is affirmed.

iv) Re: Proof of Birth on 30.09.1990 on the basis of entries in Hospital records and Oral Evidence:

16. DW-3-Dr. Uma Singh, Senior Gynaecologist, Queen Mary's Hospital stated that she had brought with her, the relevant labour room register and operation theatre register (O.T. Register). Referring to page no. 225 of the Labour register (M.L.R.) annual no. 1826 monthly no. 257, she deposed that the entry pertained to Dr. Tazeen Fatima, successful candidate's mother and as per the said entry she delivered a male child on 30.09.1990 at 3:43 a.m. She also stated that she had signed and issued the duplicate birth certificate dated 21.04.2015 (A-37). In answer to a question as to the authority which issues birth certificates in Queen Mary's Hospital, DW-3 stated that duplicate birth certificates are issued by the person nominated by the Department Head. As regards the procedure for issuance of duplicate birth certificates, DW-3 deposed that an application requesting for a duplicate birth certificate is to be made to the Chief Medical Superintendent of King George University who would thereafter forward the same to the Department Head who would issue the duplicate certificate. DW-3 answered in the negative when asked whether she had brought to the Court the application forwarded by the Chief Medical Superintendent for the issuance of the duplicate birth certificate. While DW-3 stated that it was the responsibility of the Chief Medical Superintendent to inform the Municipal Corporation about the birth of a child, she stated that she was unable to confidently say whether the information of the children born on 30.09.1990 was sent to the Municipal Corporation.

16.1. Referring to the relevant entry in page No. 174 of emergency O.T. register Annual No. 5097 and monthly no. 512, DW-3 was asked whether there was any overwriting on it and she answered in the affirmative. On being questioned whether the entries made in page no. 225 of M.L.R. register matched the entries made in the pages of other annual numbers; DW-3 answered that they '*do not match totally*'.

16.2. Replying to a question as to whether, as per the hospital record presented before the Court it could be said that a male child was born in the hospital on 30.09.1990, DW-3 stated that the register affirms that '*related lady*' gave birth to a male child on 30.09.1990. However, DW-3 answered in the '*negative*' when questioned as to whether she could definitely say that the male child born on 30.09.1990 as per the register brought by her was the successful candidate.

16.3. A question was put to DW-3 by the High Court as to whether, the E.O.T. and M.L.R. registers which DW-3 brought with her were attested or signed by any Officer or Department Head of Queen Mary's Hospital or King George University and whether the entries in the said registers or any page was signed or counter-signed by any Officer or Department Head of the Hospital and whether the registers were authenticated by any Officer or Department Head. DW-3 deposed that both the registers were not authenticated by any Officer of Queen Mary's Hospital or King George University and were not attested. DW-3 deposed that she had neither made the relevant entries in the register nor had she signed them. On being asked as to on what basis she could say that the entries in the register were genuine given that the same were neither made nor signed by her, DW-3 stated that she had stated that they were genuine on an understanding of the working procedure of the hospital.

16.4. On a consideration of the aforesaid documentary evidence in light of the depositions of DW-3, the High Court observed that Page No. 174 of the E.O.T. Register of Queen Mary's Hospital, Lucknow, (Ex. R-4 Paper No. A-100/1-2) containing entries of the admission of patients on 29.09.1990, which showed that the mother of the successful candidate, Tazeen Fatima, was admitted in the hospital and gave birth to a male child, was not trustworthy as contents had been struck out and there was overwriting on the name of "Tazeen Fatima" on the relevant page of the E.O.T.

Register. That the entries made in Column 13 and Column 16 did not contain material particulars as shown in entries on the same page pertaining to other patients. The High Court also noticed that the entry in the relevant page of the E.O.T register did not match with the entries in Page No. 225 of the M.L.R. Register (Ex. R-5 Paper No. A- 101/1-2). That there was overwriting on the name of “Mrs. Tazeen Fatima” on the relevant page of the M.L.R. Register and that the relevant page of the M.L.R. Register did not contain the date of admission and registration number. The High Court also observed that the period of pregnancy was recorded in the M.L.R. as 38 weeks as against the period of 32 weeks recorded in the E.O.T register. That the entry in the E.O.T. register was made in the name of one “Tazeen Fatima” while in the M.L.R. register it was made in the name of “Mrs. Tazeen Fatima” and the same was in a different hand writing and a different pen was used as compared to other particulars.

16.5. It was further noted that the fact that the contents were scored out and overwritten in the above-mentioned registers was admitted by DW-3-Dr. Uma Singh, Sr. Gynaecologist, Queen Mary’s Hospital, (Department of Obst. & Gyno.) in her oral evidence dated 31.07.2019.

16.6. From the deposition of DW-3-Dr. Uma Singh, it is noted that she had stated that the aforesaid two registers were neither authenticated nor signed by any officer or doctor of the hospital and that the entry pertaining to the birth on 30.09.1990 was not signed by her. DW-3 had further deposed that she could not say whether the child born on 30.09.1990 as mentioned in the above registers was the appellant herein. DW-3 further deposed that it was the responsibility of the Chief Medical Superintendent to give information pertaining to the births to the Nagar Nigam, Lucknow, and that she was never given this responsibility and that there was no post of Chief Medical Superintendent in the hospital. Further, DW-3 stated that the above- mentioned registers were maintained by a clerk, and the concerned clerk was not produced by the successful candidate to prove the alleged entries made in the above-mentioned registers. Further, DW-3-Dr. Uma Singh could not produce the application made by the mother of the successful candidate, to her, for the issuance of a duplicate birth certificate.

16.7. More significantly, DW-3 who is said to have delivered the successful candidate on 30.09.1990 could not categorically say that the male child that she delivered was indeed the successful candidate. Thus, there is no clinching evidence in this regard despite the documents sought to be produced, which in any case have not been rightly believed by the High Court owing to overwriting, interpolation etc. and DW-3 not being able to categorically state that successful candidate was delivered by her on 30.09.1990. Therefore, in my view the evidence of DW-3 does not, in any way further the case of the successful candidate.

16.8. DW-4, Dr. Vineeta Das is stated to be the doctor who issued the Duplicate Birth Certificate on 21.04.2015. Referring to Document A-37 (Duplicate Birth Certificate issued on 21.04.2015) DW-4 was asked whether the same had been signed by her, she answered in the affirmative. As to the contents of Document A-37, DW-4 deposed that it was a duplicate birth certificate which was issued on 21.04.2015 by the Gynaecology Department of the hospital she worked at. DW-4 further deposed that in the first column, it had been recorded that the birth certificate pertained to the baby of Tazeen Fatima, the sex and caste of the child *i.e.*, Male and Muslim, were also recorded; in the second column the name of the mother, Smt. Tazeen Fatima was written and in the third column; father’s name *i.e.*, Mohd. Azam Khan was written; and in the fourth column, the grandfather’s name was written. DW-4 deposed that in the next line, the date and time of delivery *i.e.*, 30.09.1990 at 3:43 a.m. were mentioned.

16.9. On being questioned as to the procedure that is followed for issuing a duplicate birth certificate, DW-4 stated that the Chief Medical Superintendent, King George Medical University sends a letter to the Head of Department who in turn appoints a Medical Consultant for the issuance of duplicate birth certificates and after that the clerk makes the duplicate birth certificate which has to be signed by the Head of Department.

16.10. On being questioned whether the entries made in Page no. 174 of Manual No. 5097 were made by her, DW-4 answered in the negative.

16.11. On appreciating the above statements in light of the documents referred to above, it is noted that DW-4 in her cross-examination had deposed that birth certificate was issued in the instant case on an application received by the Chief Medical Superintendent but she could not name the medical consultant nominated to prepare the duplicate birth certificate nor could she produce any document relating thereto.

16.12. The High Court observed that the entries in the E.O.T. register (Ex. R-4 Paper No. A100/1-2) and in the M.L.R. register (Ex. R-5 Paper No. A101/1-2) could not be proved to be genuine by the successful candidate and that he failed to establish that he was the child born on 30.09.1990, as recorded in the aforesaid registers.

16.13. The High Court therefore rightly held that the successful candidate could not prove that he was born on 30.09.1990 at Lucknow and the evidence adduced by the mother of the successful candidate (DW-5) regarding the alleged birth on 30.09.1990 could not be relied upon in the absence of other corroborative evidence.

16.14. In furtherance of the RTI application dated 31.08.2017, filed by the successful candidate (during the pendency of the Election Petition before the High Court) seeking information as to his date of birth, DW-4- Dr. Vineeta Das issued a letter (Ex. R-9 Paper No. A42/3) dated 12.09.2017, to the Public Information Officer/Chief Medical Superintendent of King George Medical University, Lucknow, wherein she had stated that the successful candidate was born on 30.09.1990. Upon perusal of the letter dated 12.09.2017, it is observed that the correctness of the contents of the said letter was completely lost in view of the fact that in the relevant page of the E.O.T. Register (Ex. R-4 Paper No. A100/1-2) and in the relevant page of the M.L.R. Register (Ex. R-5 Paper No. A101/1-2), there was no mention of the name of the successful candidate. Thus, the birth of the successful candidate (dated 30.09.1990) could not be related to those entries. The High Court further observed that DW-4 in her cross-examination had stated that she was neither related to the delivery of the successful candidate nor had she made the entries in the E.O.T. Register. The High Court therefore observed that, without there being any record present with DW-4, it was wrong on her part to certify that the successful candidate was born on 30.09.1990 in Queen Mary's Hospital, Lucknow.

16.15. Based on the above reasoning, the High Court was rightly of the view that the evidence given by DW-3- Dr. Uma Singh and DW-10- the successful candidate could not establish that he was born on 30.09.1990 in Queen Mary's Hospital, Lucknow.

16.16. It is obvious on a perusal of the E.O.T. and M.L.R. registers that the same are riddled with discrepancies, over-writing and factual inaccuracies. A glaring discrepancy, which would have a material bearing on the successful candidate's case is that the period of pregnancy recorded in the M.L.R. register was recorded as 38 weeks as against the period of 32 weeks recorded in the E.O.T. register. It is also noted that in the M.L.R. register, Mrs. Tazeen Fatima's name alone has been written in a different handwriting and different ink as compared to the rest of the particulars pertaining to such entry. This would indicate that the name of the successful candidate's mother was

entered and adjusted into the available space, and corresponding to particulars, which pertained to some other patient in the Registers.

16.17. While DW-3 has deposed that the duplicate birth certificate was issued after the application was made by the successful candidate's mother to the Chief Medical Superintendent of King George University, requesting for it which was forwarded to the department head of the concerned hospital, but D.W.3 could not produce the forwarding letter. No effort was made by the successful candidate to produce the same by procuring it by way of making an R.T.I. application. Therefore, I am not convinced that the due procedure was followed before issuing the duplicate birth certificate dated 21.04.2015. In fact, when enquired about the original birth certificate of the duplicate certificate of the successful candidate, there was no answer given.

16.18. Having already noted that the entries pertaining to the birth of the successful candidate, in the E.O.T. and M.L.R. registers were mired with discrepancies, over-writing and factual inaccuracies, I am unable to ignore the same, especially since both such registers were not authenticated by any Officer of Queen Mary's Hospital or King George University and were not attested. By DW-3's own admission, the only basis on which she was stating that the relevant entries in the registers were genuine was on her understanding of the working procedures of the hospital. This does not inspire much confidence as to the genuineness of the entries made in the registers, which *ex facie* appear to be manipulated.

16.19. Further, it is noted from the Labour Room Register that the doctor who attended DW-5-the mother of the successful candidate at the Queen Mary's Hospital was Prof. (Dr.) A. Harish and not Dr. Uma Singh. Dr. A. Harish has not been examined in the matter.

16.20. I, therefore, am not inclined to place much weight on the testimony of DW-4, as she had not made the entries in the E.O.T. Register. Therefore, her statements are not persuasive.

I, therefore, affirm the findings and decision of the High Court *qua* this issue also.

v) Re: Medical Examination Report of the successful candidate:

17. The High Court did not accept the report of the ossification test, as conclusive proof of the successful candidate's age as the same could not be proved by DW-8, Dr. Satbir Singh Ken, Radiologist, District Hospital, Rampur, who was a part of the Medical Board that determined the age of the successful candidate to be 26 years. The High Court based its decision on the fact that DW-8 could not produce the original medical report or the records pertaining thereto. It was also observed that a bone ossification test would always have to be considered having regard to the fact that the results thereof could differ, by up to two years from the actual age of the person tested, *vide Mukarrab and others vs. State of U.P. (2017) 2 SCC 210*.

17.1. In this background, it may also be noted that DW-8 deposed that in his opinion, there could be a difference of one year between the actual age of the successful candidate and the age suggested in the report of the bone ossification test. That on being asked whether it was correct to say that bone ossification tests could not tell the correct age, DW-8 refused to make any comment and stated that he was only a radiologist and had given only the X-Ray report.

17.2. The aforesaid statements would have to be considered in light of the law relating to the evidentiary value of a bone ossification test. This Court has, in *Mukarrab (supra)*, declared that an ossification test could not be solely relied upon as conclusive proof of age and the said test is by no means an infallible or accurate test to determine the correct number of years of a person's life. The general rule for determining the age is that it can vary plus or minus two years and that the date of

birth of a person is to be determined on the basis of the material on record and on appreciation of evidence adduced by parties. It has therefore been authoritatively laid down by this Court that the report of an ossification test can, at most, be used to corroborate other relevant evidences, oral or documentary. Even so, relying on the aforesaid case, the High Court had rightly observed that if the margin factor of (plus or minus) two years is applied to the case of the successful candidate, it could also mean that in the year 2017 the age of the successful candidate was 24 years which would indicate that he was born in the year 1993.

17.3 In that background, I am of the view that the medical examination report of the successful candidate dated 27.01.2017 based on an ossification test conducted, wherein his age was recorded to be twenty-six years at the relevant time, cannot be accepted as conclusive proof of his age and the same would not hold any water. This is especially so when other documents such as matriculation certificate, date of birth certificate issued by the Nagar Palika Parishad, Rampur and Passports, which have been acknowledged by this Court on various occasions to serve as proof of date of birth are in fact available in the instant case but the date of birth recorded in the said documents is contrary to the result of the ossification test. While I may have been inclined to place some weight on the result of the ossification test, in case other documents which would serve as proof of age were not available, I am unable to accept the same in the instant case. This is because other documents which would serve as proof of age are available and the date of birth recorded in such documents is contrary to the result of the ossification test. Therefore, I affirm the findings and decision of the High Court *qua* this issue also.

vi) Re: Declaration of the successful candidate's mother while submitting the G.I.S. Nomination Form:

18. This issue pertains to the evidentiary value of the contents of the G.I.S. (Group Insurance Scheme) nomination form which formed a part of the Service Book (Ex. R-11 Paper No. A95/1-34) of the successful candidate's mother, which is relied upon by the successful candidate. In Paper No. A95/25 of the said Service Book is the G.I.S. Nomination Form of the mother of the successful candidate, which records, *inter-alia*, that on 26.04.2001, she had nominated the appellant-successful candidate and two other family members under the Group Insurance Scheme by stating their respective age as on the aforesaid date. In the said form, the age of the successful candidate is stated as eight years as on 26.04.2001.

18.1. The High Court observed that DW-1- Dr. Shailendra K. Tiwari, Assistant Director of Higher Education, Prayagraj, U.P., brought the successful candidate's mother's Service Book (Ex. R-11 A95/1-34) which contained the G.I.S. (Group Insurance Scheme) Nomination Form (Ex. R-11 A95/25) which was signed by the mother of the successful candidate on 26.04.2001. The High Court concluded that the successful candidate was born in the year 1993.

18.2. The High Court further observed that the election petitioner had specifically raised this argument in paragraph 12 (iii) of the Election Petition and yet, the successful candidate did not make any averment in this regard so as to explain the detail entered as such in the G.I.S. nomination form.

18.3. The G.I.S. Nomination Form (Ex. R-11 Paper No. A95/25) showed that the successful candidate was only eight years old in the year 2001, which would imply that he was born in the year 1993. Further, such admission on the part of DW-5-Tazeen Fatima at an undisputed point of time would have to be considered as conclusive proof of the fact that the successful candidate was born in the year 1993 and was therefore eight years old in April, 2001 in the absence of any explanation to resile from the said admission. The said G.I.S Form was adduced as evidence by none other than the successful candidate and was also referred to by DW-5-Tazeen Fatima in her cross-examination. However, she did not offer any explanation about the entry as to the successful candidate's age in the said form and had not disputed the said G.I.S. Form which was a part of her Service Book. The successful candidate, having relied on DW-5's Service Book, of which the G.I.S. form is a part,

cannot now seek to rely on the same selectively, *i.e.*, on only those details entered in the Service Book/G.I.S. form which would potentially support his case while resiling or disregarding as irrelevant any entry or detail therein which would have an adverse impact on his case.

18.4. This Court has held in *P.C. Purushothama Reddiar vs. S. Perumal (1972) 1 SCC 9* that once a document is properly admitted by the party producing the said document, the contents of that document are also admitted in evidence and no further evidence would have to be let in by the party relying on such admission to establish the fact so admitted *aliunde*.

18.5. The said G.I.S. Form was adduced as evidence at the behest of the successful candidate and the contents of the same were proved by DW- 1-Dr. Shailendra K. Tiwari and were not disputed by DW-5-Tazeen Fatima. Therefore, the successful candidate cannot now be allowed to selectively admit the contents of the same. No attempt was made by the successful candidate to resile from the said admission by offering any explanation as to why reliance could not be placed on the said document when the successful candidate himself was relying on it.

18.6. I, therefore, affirm the findings of the High Court that the G.I.S. Nomination Form (Ex. R-11 Paper No. A95/25) came into existence at an undisputed point of time and is a piece of evidence which proves that the successful candidate was born in the year 1993.

vii) Re: Aadhar Card, Voter I.D. Card and Driving License:

19. This issue pertains to the effect of the following documents of identity, wherein the successful candidate's date of birth has been recorded as 30.09.1990, namely, copy of Aadhar Card, driving licence and Voter ID Card of the appellant-successful candidate. Strong reliance has been placed on the above-listed documents to contend that the date of birth recorded therein is 30.09.1990, which is in accordance with the date of birth reflected in the duplicate birth certificates issued by the Queen Mary's Hospital, Lucknow, and the Nagar Nigam, Lucknow, on 21.04.2015 and 21.01.2015, respectively.

19.1. The High Court, on perusal of the successful candidate's Aadhar Card (Ex. P-2 Paper No. A-66/1), Driving License (Ex. P-2 Paper No. A-67/1) and Voter I.D. Card (Ex. P-2 Paper No. A-68/1) held that the above- mentioned documents are not evidence of date of birth of the successful candidate. It was of the view that the date of birth in the Driving License was corrected subsequently and that the Aadhar Card dated 07.03.2015 and the Voter I.D. Card dated 18.07.2016 were issued on the basis of the date of birth mentioned in the birth certificate dated 21.01.2015 issued by the Nagar Nigam, Lucknow, which had been held to be null and void. Reliance was placed on a judgment of its Court in *Smt. Parvati Kumari and Ors. vs. State of U.P. Thru. Principal Secretary Home & Ors. (Misc. Bench No. 13419 of 2018)* to hold that Aadhar card is a means of identity and not a proof of date of birth. The High Court therefore, held that the above-mentioned documents did not conclusively establish that the successful candidate was above twenty-five years of age on the date of filing his nomination papers or on the date of declaration of result of the legislative assembly election in question.

19.2. I am inclined to affirm the findings of the High Court *qua* this issue also. It is observed so, in light of the fact that the Aadhar card was issued on 07.03.2015, on the basis of the duplicate birth certificate dated 21.01.2015. Having held that the duplicate birth certificate dated 21.01.2015 does not establish the date of birth of successful candidate as 30.09.1990 and that the same was issued under circumstances which are suggestive of manipulation and interpolation of the hospital records, I am of the opinion that the Aadhar card which was issued on 07.03.2015 would also not have any evidentiary value in so far as successful candidates' date of birth is concerned. Further, the driver's licence and voter ID of the successful candidate herein, which were also issued on the strength of the duplicate certificates issued by the Queen Mary's Hospital, Lucknow, and the Nagar Nigam,

Lucknow, on 21.04.2015 and 21.01.2015, respectively, would not serve as proof of the successful candidate's date of birth, having regard to the observations in the preceding paragraphs of the discussion as to the proof of the date of birth of the successful candidate being 30.09.1990.

19.3. It is observed that all these documents were secured post 2015, at which time the successful candidate started taking active part in politics. I, therefore, am inclined to observe that the said documents were obtained, merely as a means to corroborate the false claims of the successful candidate as to his date of birth and hence are not worthy of consideration as corroborative evidence for the purpose of proving the date of birth of the successful candidate.

20. I shall now discuss the judgments cited on behalf of the appellant:

a) In **Brij Mohan Singh vs. Priya Brat Narain Sinha (supra)**, on an examination of the entire oral and documentary evidence, this Court held that the election petitioner therein had not been able to prove that the successful candidate therein was below twenty-five years of age on the date of filing of his nomination while the appellant himself also was not able to show that he was at least twenty-five years of age on that date. It was observed that the burden of proving the age was on the election petitioner and when the said burden was not discharged, the election petition must fail.

The aforesaid dictum is of no assistance to the appellant herein as the position with respect to the factual matrix is at variance. Although, the election petitioner herein contended that the successful candidate was less than twenty-five years of age and therefore, was ineligible to contest the Assembly election and the election petitioner had the burden of proving the said fact but the successful candidate took up on himself to prove another fact, namely, that he was born on 30.09.1990 and not on 01.01.1993 and therefore, was above twenty-five years of age. Thus, the burden was on the respective parties to prove their respective cases. On going through the oral and documentary evidence in this case, I find that the appellant herein has failed to prove that he was born on 30.09.1990 in spite of letting in voluminous oral and documentary evidence in view of the discussion and findings arrived at by us. On the other hand, the evidence let in by the respondent-election petitioner, when juxtaposed to the pertinent admissions let in by the appellant herein, has, in my view, enabled the respondent herein to prove his case before the High Court. The reasoning and conclusion of the High Court in my view is thus, just and proper on the appreciation of the evidence on record in the instant case.

b) In **Birad Mal Singhvi Singh vs. Anand Purohit (supra)**, the question as regards the age of two candidates, namely, Hukmi Chand and Suraj Prakash Joshi was under consideration. The election petitioner therein had examined, *inter alia*, PW-3 and PW-5, being the Principal, New Government High Secondary School, Jodhpur, since 1984 and Deputy Director (Examination) Board of Secondary Education, Rajasthan, respectively. They produced the scholar's register (Ex.-P8) and counterfoil of the Certificate of Board of Secondary Education (Ex.-P9) of Hukmi Chand, respectively, and tabulation record of the Secondary School Examination, 1974, (Ex.-P10). In the documents at Ex.- P9 and P10, the date of birth of Hukmi Chand was recorded as 13.06.1956. Similarly, insofar as Suraj Prakash Joshi is concerned, Ex.-P11 being the tabulation record of Secondary School Examination of 1977 indicated his date of birth as 11.03.1959 and the counterfoil of certificates and the tabulation form recording the same date of birth on the basis of what was mentioned by the candidate in the examination form were produced.

In my view, the aforesaid case would have no relevance insofar as the appellant herein is concerned. No doubt, in the present case also, the fact in issue is with regard to the date of birth of the appellant-successful candidate. While the election petitioner in the instant case stated that it is 01.01.1993 and he has produced documents and let in oral evidence in support of the same, the appellant-successful candidate has stated that his date of birth is 30.09.1990 and in support of this

fact, has tried to let in both oral and documentary evidence. While considering the oral and documentary evidence on record, I find that the appellant has failed to prove his case that he was born on 30.09.1990. On the other hand, the evidence on record in the form of oral and documentary admissions produced by the appellant herein when juxtaposed and appreciated with the oral and documentary evidence of the respondent-election petitioner herein indicates that the appellant has failed to prove that he was born on 30.09.1990 while the election petitioner has proved that the appellant herein was born on 01.01.1993. This is because the appellant has not let in evidence to show as to on what basis the birth certificate was issued by the Queen Mary's Hospital in which the appellant was born, as well as the basis on which the other birth certificate had been issued by the Nagar Nigam, Lucknow. This is because the entries made in the EOT register and MLR have no evidentiary value in the absence of the birth list sent by the hospital to the Municipal Corporation which is the basis for registering a birth in the birth register maintained by it. Unless the hospital wherein the child was born sends the birth list to the Municipal Corporation, the issuance of birth certificate by it would have no probative value. The duplicate birth certificates issued by Queen Mary's Hospital and the Nagar Nigam, Lucknow, are *de hors* any basis in the instant case. I infer the same on perusal of the documentary and oral evidence discussed above. Therefore, the appellant herein has failed to prove that he was born on 30.09.1990.

On the other hand, the respondent-election petitioner has produced the relevant evidence of an undisputed point of time to prove that the appellant herein was born on 01.01.1993. Such inference can be made from Ex. P-1 to P-4 in which the date of birth of the successful candidate was shown as 01.01.1993. Although, voluminous documents were produced by the appellant to contradict the same, the fact remains that Ex R-11 being the copy of the service book of Tazeen Fatima Lecturer Political Science, mother of the appellant-successful candidate it was categorically stated that the appellant herein was eight years of age in the year 2001 as per GIS nomination form submitted by her under her own signature on 26.04.2001. This critical admission made in the service book stating that the appellant herein was eight years of age in 2001 has not been explained nor any attempt has been made to contradict or resile from the same.

The factual matrix in the aforesaid case would not apply *vis-à-vis* the case at hand as the respondent herein produced certain documents in order to prove that the appellant herein was born on 01.01.1993 and the said fact has been proved by producing the relevant oral and documentary evidence. When the said evidence is appreciated in light of the admissions by the appellant herein, I find that the appellant has failed to prove that he was born on 30.09.1990. In the circumstances, I am of the opinion that the documentary evidence produced by the respondent-election petitioner has cogent and probative value. This is because the said documents are consistent with the admitted documents of the appellant as well as with the admissions made by the appellant himself to the effect that, it was only in the year 2015 that he found out that the date of birth mentioned in his records was shown to be 01.01.1993 and that he was born in Rampur and based on the Birth Certificate issued by Nagar Palika Parishad, Rampur, he had continued his affairs including travelling overseas on Passports and visas issued on the basis of the Birth Certificate issued by Nagar Palika Parishad, Rampur, which showed that he was born on 01.01.1993.

Further, it was only after the commencement of the proceedings in the election petition and the challenge raised to his date of birth that the appellant made attempts to establish that he was born on 30.09.1990 and hence, took steps to get his educational record, Passport and other documents of identity "rectified" so as to make them consistent with his stand as against the election petition. The subsequent alterations made in the documents pertaining to the appellant herein cannot have a bearing on the case since even according to the appellant it was on the basis of the following documents, namely, his Class X Marksheet, his Passport and Visa that the appellant herein was

continuing with his activities and identified himself with this date of birth as 01.01.1993 till the year 2015. Therefore, I am convinced that it was only for the purpose of contesting the assembly elections which were held in the year 2017 and being conscious of the fact that he could not do so as he was disqualified on account of being under aged, he took steps to alter his date of birth to 30.09.1990 and made attempts to seek “duplicate” birth certificates from the Nagar Nigam, Lucknow and Queen Mary’s Hospital, Lucknow. Till then, the appellant herein was conscious of the fact that his date of birth in his educational and other records was 01.01.1993 and he used those documents for the relevant purposes that necessitated the usage of the said documents.

Another significant point is that until the document at Ex. P-3 Paper No. A-80/1 was cancelled, the appellant had possessed documents showing two dates of births, one, being 01.01.1993 as having been born in Rampur and the other being 30.09.1990 as having been born in Lucknow. In the circumstances, I am of the opinion that since the basis on which the birth certificate was issued by the Nagar Nigam, Lucknow and Queen Mary’s Hospital, Lucknow, is not brought on record in the form of tenable and probative oral and documentary evidence, the case of the appellant cannot be accepted at all.

By this, it does not mean that respondent herein-election petitioner must fail. I say so for the reason that the appellant herein has produced material to show that he was eight years of age in the year 2001 (G.I.S. Nomination Form) which is consistent with the case of the election petitioner who has produced documents indicating the date of birth of the appellant-successful candidate as 01.01.1993 and therefore, was not eligible to contest for the election to the legislative assembly in the year 2017.

c) The judgment of this Court in *Narender Singh (supra)* is of no assistance to the appellant herein as evidence on record does not give rise to inferences in favour of the appellant herein.

d) The judgment of this Court in *Joshna Gouda (supra)* is also distinguishable. In the said case, the controversy was with regard to the eligibility to contest for the post of Sarpanch under the Orissa Gram Panchayat Act, 1964, it was contended by the first respondent therein that the appellant therein was not eligible to contest as he had not attained the age of 21 years. Therefore, the Election Petition was filed to seek setting aside of the election of the respondent therein. The appellant therein contested the Election Petition. In the said case, the question was whether the appellant therein was born on 07.07.1985 and not on 20.06.1986 as contended by the first respondent-election petitioner therein. The successful candidate therein had produced Exbs. A to H in support of the fact that she was born on 07.07.1985. The High Court found that Exbs. A and H are voters’ list of the years 2007 and 2008 respectively which were prepared later in point of time to the filing of the nomination papers in election in question and they do not reflect the date of birth of the appellant therein. Ex. D being horoscope was rightly not relied upon. Ex. E being a certificate of date of birth issued under the provisions of the Registration of Births and Deaths Act showing the date of birth of the appellant therein as 07.07.1985 but such an entry came to be made pursuant to an application made by the appellant therein subsequent to the nominations in the election in question. Therefore, the High Court refused to place any reliance on the said document also. This Court held that the High Court had rightly refused to believe those documents and the appellant-successful candidate therein had failed to prove her date of birth as 07.07.1985. But that does not automatically lead to the conclusion that the assertion of respondent No. 1 therein that the actual date of birth of the appellant therein is 20.06.1986 was proved. It was observed by this Court that the burden to prove the fact that the appellant therein was born on 20.06.1986 rested squarely on the election petitioner. In that regard, reliance was placed on Section 101 of the Evidence Act. It was further observed by placing reliance on *Robins vs. National Trust Company 1927 AC 515* which is to the following effect:

“ ... To assert that a man who is alive was born requires no proof. The onus is not on the person making the assertion, because it is self-evident that he had been born. But to assert that he [had been] born on a certain date, if the date is material, requires proof; the onus is on the person making the assertion.”

This Court held that since the first respondent therein had failed to discharge the burden cast upon him, the Election Petition had to fail on the oral and documentary evidence let in that case. It was held that there was an inconsistency regarding the age of the appellant therein and particularly with reference to her admission in the Upper Primary School and hence, the appeal was allowed and the Election Petition was dismissed. The aforesaid judgment is not applicable to the present case as in the present case there is a clear and unambiguous admission on the part of the appellant through the nomination form being part of the Service Book - (Ex). R-11 paper No. A-95/1-34 and the document produced by the respondent/election petitioner herein. Those documents relate to the appellant herein and the appellant herein had acted upon those documents until his date of birth was changed to 30.09.1990 in the year 2015. Thus, the judgment in *Joshna Gouda* is of no assistance to the appellant herein.

Summary of Conclusions:

a) I am of the view that the appellant-successful candidate was not born on 30.09.1990 and was not twenty-five years old at the time of filing the nomination as the appellant has been unable to prove the said fact despite the voluminous oral and documentary evidence provided on record. In fact, G.I.S. Nomination Form submitted by DW-5 at an undisputed point of time and which is part of her Service Book which is adduced as evidence at the behest of the appellant-successful candidate goes against the case of the appellant. The G.I.S. Nomination Form is in consonance with the Passports and visa issued by the concerned authorities showing the date of birth of the appellant as 01.01.1993 which have been produced by the election petitioner in support of his case. The issuance of the fresh Passport during the pendency of the Election Petition showing the date of birth as 30.09.1990 is of no consequence and cannot be of any assistance to the appellant herein.

Similarly, Class X Secondary School Examination Certificate and Class XII Secondary School Examination Certificate which indicate the date of birth of the appellant as 01.01.1993 even till date, are also in consonance with the earlier Passports and visa documents produced by the respondent-election petitioner herein. In fact, the appellant-successful candidate had relied upon the educational certificates indicating his date of birth as 01.01.1993 and his place of birth as Rampur for the purpose of securing his earlier Passports and visa.

b) Moreover, the stand taken by the successful candidate that all documents pertaining to the Birth Certificate dated 28.06.2012 issued by the office of Nagar Palika Parishad, Rampur, were burnt due to a short circuit on 08.05.2015 would suggest that the said birth certificate, wherein the date of birth of the successful candidate was recorded as 01.01.1993 came to be destroyed and later cancelled were under suspicious circumstances.

c) Further, on a perusal of the E.O.T. and M.L.R. registers, I hold that the same are mired with discrepancies, over-writing and factual inaccuracies and the same cannot be ignored. I am, therefore, of the view that no weight can be placed on the birth certificate dated 21.01.2015, issued by the Nagar Nigam, Lucknow, which is stated to be issued on the strength of an entry made in the birth register maintained by the hospital, which itself is not authentic in the absence of production of the birth list indicating the birth of the appellant on 30.09.1990, and is created by manipulation and interpolation in the hospital records.

d) I am not inclined to place any weight on the result of the ossification test as other documents

such as the matriculation certificate, date of birth certificate issued by the Nagar Palika Parishad, Rampur and Passports prove that the age and the date of birth recorded in such documents is contrary to the result of the ossification test.

e) It is further held that the Aadhar card, driver's licence and voter ID of the appellant-successful candidate herein, which were issued on the strength of the duplicate certificates issued by the Queen Mary's Hospital, Lucknow, and the Nagar Nigam, Lucknow, on 21.04.2015 and 21.01.2015, respectively, are not proof of the successful candidate's date of birth as 30.09.1990.

It would be apposite to refer to para 79 of *Sushil Kumar vs. Rakesh Kumar (supra)* which reads as under:

"79. The Election Tribunal while determining an issue of this nature has to bear in mind that Article 173(b) of the Constitution of India provides for a disqualification. A person cannot be permitted to occupy an office for which he is disqualified under the Constitution. The endeavour of the court therefore should be to see that a disqualified person should not hold the office but should not at the same time unseat a person qualified therefor. The court is required to proceed cautiously in the matter and, thus, while seeing that an election of the representative of the people is not set aside on flimsy grounds but would also have a duty to see that the constitutional mandate is fulfilled."

In view of the aforesaid discussion which has been made after taking into consideration all the material on record, I find that the acceptance of the nomination of the appellant-successful candidate was improper. The findings of the High Court in this regard do not require any interference. Hence, the judgment impugned is affirmed and consequently, the appeal is dismissed. The election of the appellant-successful candidate herein to the Uttar Pradesh Legislative Assembly from 34-Suar Constituency, District Rampur, Uttar Pradesh, is set aside. A certified copy of this decision be sent to Election Commission forthwith.

Parties to bear their respective costs.

.....J.

(B.V. NAGARATHNA)

NEW DELHI

07th NOVEMBER, 2022.



सरकारी गज़ट, उत्तर प्रदेश

उत्तर प्रदेश सरकार द्वारा प्रकाशित

प्रयागराज, शनिवार, 26 अप्रैल, 2025 ई० (वैशाख 06, 1947 शक संवत्)

भाग 8

नगरपालिका परिषद्, नगर पंचायत, सरकारी कागज-पत्र, दबाई हुई रूई की गांठों का विवरण-पत्र, जन्म-मरण के आंकड़े, रोगग्रस्त होने वालों और मरने वालों के आंकड़े, फसल और ऋतु सम्बन्धी रिपोर्ट, बाजार-भाव, सूचना, विज्ञापन इत्यादि।

NOTICE

No Legal Responsibility is accepted for the Publication of Advertisements/Public Notices in this Part of the Gazette of Uttar Pradesh. Persons Notifying the Advertisements/Public Notices will remain Solely, Responsible for the Legal Consequences and also for any other Misrepresentation etc.

By Order,
Director.

उत्तर प्रदेश आवास एवं विकास परिषद्

प्रशासन अनुभाग

संशोधित सूचना

23 अप्रैल, 2025 ई०

सं० 767/प्रशा०-एक-उ०प्र आवास एवं विकास परिषद् के अधिनियम-1965 की धारा-95 की उपधारा-(1) के खण्ड-(च) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए परिषद् के सहायक वास्तुविद् नियोजक में प्रवृत्त विनियमावली में सरकारी गज़ट उत्तर प्रदेश सरकार द्वारा प्रकाशित खण्ड-79} प्रयागराज दिनांक 12 अप्रैल, 2025 ई० (चैत्र 22, 1947 शक संवत्) {संख्या-15 भाग-8 में प्रकाशित सहायक वास्तुविद् नियोजक (उ०प्र० आवास एवं विकास परिषद् सेवा विनियमावली-1979) के भाग-4 विनियम-10 के स्तम्भ-2 में संशोधन निम्नवत् प्रस्तावित है :-

स्तम्भ-1

स्तम्भ-2

2

भाग-4 विनियम-10

शैक्षिक सेवा में सीधी भर्ती के लिए अभ्यर्थी को अर्हताएँ देवनागरी लिपि में लिखित हिन्दी का तथा सम्यक ज्ञान होने के साथ-साथ अनुभव निम्नलिखित अर्हताएँ अवश्य हो:-

भाग-4 विनियम-10

शैक्षिक सेवा में सीधी भर्ती के लिए अभ्यर्थी को अर्हताएँ देवनागरी लिपि में लिखित हिन्दी का सम्यक ज्ञान होने के साथ-साथ निम्नलिखित अर्हताएँ अनुभव अवश्य हो:-

स्तम्भ-1	स्तम्भ-2
भाग-4 विनियम-10	भाग-4 विनियम-10
(1) अनिवार्य (क) वास्तुविद् के डिग्री या समकक्ष अर्हता। (ख) नगर तथा ग्राम नियोजन/आवासिकी में दो वर्षीय स्नातकोत्तर डिग्री/ डिप्लोमा या इसके समकक्ष अर्हता। या वास्तुकला, नगर नियोजन अथवा आवासिकी क्षेत्र में तीन वर्ष का अनुभव। या आवासिकी में एक वर्षीय स्नातकोत्तर डिप्लोमा और वास्तुकला नगर नियोजन अथवा आवासिकी में एक वर्ष का अनुभव। (2) अतिरिक्त (क) वांछनीय आवासिकी का अनुभव।	(1) अनिवार्य (क) वास्तुविद् के डिग्री अथवा समकक्ष अर्हता (समकक्षता का निर्धारण परिशिष्ट Q(ii) के अनुसार)। एवं (ख) नगर तथा ग्राम नियोजन/आवासिकी में डिग्री/डिप्लोमा या इसके समकक्ष अर्हता। (समकक्षता का निर्धारण परिशिष्ट Q(i) के अनुसार)। या वास्तुकला, नगर नियोजन अथवा आवासिकी क्षेत्र में संस्थान के प्रमुख द्वारा जारी अनुभव प्रमाण-पत्र के आधार पर तीन वर्ष का अनुभव। या आवासिकी में एक वर्षीय स्नातकोत्तर डिप्लोमा और वास्तुकला नगर नियोजन अथवा आवासिकी में संस्थान के प्रमुख द्वारा जारी अनुभव प्रमाण-पत्र के आधार पर एक वर्ष का अनुभव। (2) अतिरिक्त (क) वांछनीय आवासिकी का संस्थान के प्रमुख द्वारा जारी अनुभव प्रमाण-पत्र के आधार पर अनुभव।

2-उपर्युक्त प्रकाशित गजट में तालिका के बिन्दु-2 के स्तम्भ-2 में शैक्षिक अर्हताएं तथा अनुभव के बिन्दु (1) अनिवार्य (क) तथा (ख) के मध्य “एवं” के स्थान पर “या” प्रकाशित हो गया है। जिसे संशोधित कर “एवं” पढ़ा जाये।
अतः उक्त गजट में प्रकाशित शेष नियम व शर्तें यथावत रहेंगी।

डा० बलकार सिंह,
आवास आयुक्त।

कार्यालय, नगर पालिका परिषद, रायबरेली

अधिसूचना

14 मार्च 2024 ई0

सं० 940/न०पा०परि०रा/स०प्रा०(ई०अ०) 2023-24-नगर पालिका परिषद रायबरेली मा० सदन की बैठक 14 फरवरी, 2024 में पारित संकल्प संख्या 49 द्वारा जलकल विभाग द्वारा प्रस्तुत फीकल स्लज एवं सेप्टेज प्रबन्धन के लिए राज्य मॉडल उपविधि को सर्वसम्मति से पास किये जाने के अनुपालन में नगर पालिका परिषद रायबरेली के अन्तर्गत फीकल स्लज एवं सेप्टेज प्रबन्धन (FSSM) के सम्बन्ध में उ०प्रा० नगर महापालिका अधिनियम 1916 की धारा 296 एवं उसके सम्बन्ध में समय-समय पर निर्गत शासनादेशों के आलोक में ऑनसाइट स्वच्छता व्यवस्था के अर्न्तगत

घर/भवन/प्रतिष्ठान में ऑनसाइट सेनिटेशन सिस्टम (सेप्टिक टैंक/किट/सोखा) के संग्रहण, ढुलाई और उससे जुड़े मामलों के सम्बन्ध में बनायी गयी उपविधियों की अधिसूचना के सम्बन्ध में नगर क्षेत्र के सम्मानित नागरिकों/सामाजिक संस्थानों से आपत्ति/सुझाव 15 दिवस के अन्दर प्राप्त करने हेतु अधिसूचना का प्रकाशन दैनिक समाचार-पत्र अमर उजाला व आनन्द टाइम्स में दिनांक 14 मार्च, 2024 को कराया गया था। निर्धारित अवधि 15 दिवस व्यतीत हो जाने के उपरान्त कोई भी आपत्ति/सुझाव प्राप्त नहीं हुआ है। अतः निम्नलिखित नगर पालिका परिषद रायबरेली फीकल स्लज सेप्टेज प्रबन्धन एफ0एस0एस0एम0 उपविधि, 2023 की अधिसूचना गजट प्रकाशन तिथि से प्रभावी होगी।

क्षेत्र (स्कोप)

ये उपविधि नगर पालिका परिषद रायबरेली की प्रशासनिक सीमा के भीतर फीकल स्लज एवं सेप्टेज प्रबन्धन में संलग्न सभी हितधारकों पर लगू होते हैं, जिसमें सेप्टिक टैंक वाले घरों के मालिक एवं उपयोगकर्ता सेप्टिक टैंक सफाई ऑपरेटर तथा निकाय के उपचार और निस्तारण में संलग्न जवाब देह एजेंसियां शामिल हैं। यह उपविधि सभी सार्वजनिक, निजी आवासीय, वाणिज्यिक, संस्थागत, प्रस्तावित, नियोजित या निकाय के भवनों पर लागू होगा।

अध्याय-I

प्रारंभिक

1- लघु-शीर्षक और प्रारंभ-

- (i) इन विनियमों को "रायबरेली फीकल स्लज, सेप्टेज (F.S.T.P) विनियम, 2023" कहा जायेगा।
- (ii) 'ये विनियम उत्तर प्रदेश के राजपत्र में उनके प्रकाशन की तारीख से नगर पालिका परिषद रायबरेली की प्रशासनिक सीमा के भीतर लागू होंगे।

2- परिभाषायें-

- (i) 'एक्सेस कवर' से तात्पर्य है- निरीक्षण, सफाई और अन्य रखरखाव कार्यों के लिए ऑनसाइट स्वच्छता व्यवस्था (O.S.S.) तक पहुंच के लिए प्रयुक्त खुले हिस्से पर उपयुक्त ढक्कन।

- (ii) पंजीकृत वैक्यूम टैंकर" से तात्पर्य है- राज्य परिवहन प्राधिकरण द्वारा निर्दिष्ट उद्देश्य को पूरा करने के लिए विधिवत पंजीकृत वैक्यूम टैंकर, जिसका नगर पालिका परिषद रायबरेली द्वारा फीकल स्लज एवं सेप्टेज (एफ0एस0एस0) के डी-स्लजिंग, परिवहन और निपटान के लिए निरीक्षण और पंजीकरण किया गया हो।

- (iii) निर्दिष्ट अधिकारी" से तात्पर्य है- नगर पालिका परिषद रायबरेली का ऐसा अधिकारी, जिस अधिशासी अधिकारी द्वारा लाइसेंस जारी करने या उसे निर्दिष्ट किये गये किसी अन्य कार्य के निष्पादन के लिए अधिकृत किया गया है।

- (iv) डी-स्लजिंग" नगर पालिका परिषद रायबरेली से लाइसेंस प्राप्त ऑपरेटर अथवा नगर पालिका परिषद रायबरेली के प्रशिक्षित स्वच्छता कर्मचारियों द्वारा स्वच्छता व्यवस्था (O.S.S.) से एफ0एस0एस0 को खाली करने का काम अभिप्रेत है।

(v) "निपटान" से एफ०एस०एस०एम० का किसी अधिसूचित स्थान पर परिवहन और प्रवाहित करना/ले जाने का काम है।

(vi) "उत्प्रवाही" किसी ओ०एस०एस० से स्रावित द्रव्य है। सेप्टेज से निकलने वाले द्रव्य को भी उत्प्रवाही कहा जाता है।

(vii) "फीकल स्लज" से ओ०एस०एस० की नीचे बैठी सामग्री अभिप्रेत है। फीकल स्लज के लक्षणों को मोटे तौर पर घर-दर-घर, शहर-दर-शहर और देश-दर-देश भिन्न किया जा सकता है। फीकल स्लज की भौतिक, रासायनिक और जैविक विशेषतायें भण्डारण की अवधि, तापमान, मिट्टी की दशा, स्वच्छता व्यवस्थता (O.S.S.) में भूजल या सतही जल का प्रवेश, डी-स्लजिंग तकनीक और पैटर्न से प्रभावित होती है।

(viii) "फीकल स्लज व सेप्टेज ट्रीटमेंट प्लांट (F.S.T.P.)" सुरक्षित निपटान और पुनः उपयोग के लिए ठोस एवं तरल भागों का विनिर्धारित मानकों तक ट्रीटमेंट करने के लिए एक स्वतंत्र एफएसएस ट्रीटमेंट सुविधा है। इससे सीवेज ट्रीटमेंट प्लांट (एस०टी०पी०) भी अभिप्रेत किया जा सकता है, अगर वहाँ फीकल स्लज/सेप्टेज को सीवेज के साथ को-ट्रीट किया जाता है।

(ix) "लाइसेंस" से तात्पर्य है— किसी व्यक्ति को दी गई लिखित अनुमति, जिसका उद्देश्य फीकल स्लज एवं सेप्टेज प्रबन्धन (F.S.S.M.) की सेवाओं का निर्वहन करना है जिसमें नगर पालिका परिषद रायबरेली के निर्दिष्ट अधिकारी के हस्ताक्षर के तहत उद्देश्य, सत्र, नाम और पता, मार्ग आदि का उल्लेख किया गया हो।

(x) "लाइसेंस प्राप्त ऑपरेटर" से तात्पर्य है— डी-स्लजिंग करने और अधिसूचित स्थान पर एफ०एस०एस० के परिवहन के लिए लाइसेंस रखने वाला कोई भी व्यक्ति।

(xi) "अधिसूचित स्थान" से तात्पर्य है— एफ०एस०एस० पहुँचाने और निपटान का स्थान जिसे नगर पालिका परिषद रायबरेली द्वारा परिभाषित और निर्धारित किया गया है।

(xii) "ऑनसाइट स्वच्छता व्यवस्थता (O.S.S.)" ऐसी स्वच्छता तकनीक/व्यवस्थता, जिसमें मलमूत्र एकत्रित/ट्रीट किया जाता है जहाँ पर वह उत्पन्न होता।

(xiii) "प्रचालक" से तात्पर्य है— एफ०एस०एस० के डी-स्लजिंग, परिवहन अथवा ट्रीटमेंट का व्यवसाय करने वाला व्यक्ति।

(xiv) "व्यक्ति" प्रासंगिक कानूनों के तहत शामिल एक व्यक्ति, एक एजेंसी, एक ट्रस्ट, एक समाज, एक फर्म अथवा एक कम्पनी, व्यक्तियों का एक संगठन अथवा व्यक्तियों का एक निकाय शामिल है, चाहे वह निगमित हो या नहीं।

(xv) "शेड्यूल्ड डी-स्लजिंग"— सेंट्रल पब्लिक हेल्थ एंड एनवायरनमेंटल इंजीनियरिंग आर्गनाइजेशन (सी०पी०एच०ई०ई० ओ०) की सिफारिशों के आधार पर 2-3 वर्ष के अंतराल पर ओ०एस०एस० को नियमित रूप से खाली करने की प्रक्रिया।

(xvi) "सेप्टेज" सेप्टिक टैंक से डी-स्लज किया गया फीकल स्लज है।

(xvii) “सीवेज” अपशिष्ट जल है जिसे सीवरों के जरिये एक से दूसरे स्थान ले जाया जाता है।

(xviii) “सीवर” से तात्पर्य है— समुदाय के अपशिष्ट जल, जिसे सीवेज कहा जाता है, को प्रवाहित करने के प्रयोजनों के लिए उपलब्ध कराई गई भूमिगत पाईपलाइन।

(xix) “सीवेज ट्रीटमेंट प्लांट ” से तात्पर्य है— वह स्थान जहां सीवेज को सुरक्षित निपटान और पुनः उपयोग के लिए निर्धारित मानकों के अनुसार निस्ताण किया जाता है।

(xx) “कार्यबल” से तात्पर्य है— शहर में अधिशासी अधिकारी और अध्यक्ष की अध्यक्षता में गठित शहरी स्वच्छता कार्यबल। समिति के सदस्यों का उनके सरकारी विभागों, सार्वजनिक उपक्रमों, समाज के अन्य प्रतिष्ठित लोगों, शिक्षकों द्वारा सह-चयन किया जा सकता है।

(xxi) “नगर पालिका परिषद रायबरेली के प्रशिक्षित स्वच्छता कर्मी” से तात्पर्य है— नगर पालिका परिषद रायबरेली के स्वामित्व वाले वैक्यूम टैंकर का उपयोग कर एफ0एस0एस0 के डी-स्लजिंग और परिवहन के उद्देश्य के लिए नगर पालिका परिषद रायबरेली के सेवारत/अनुबन्धित कर्मचारी।

(xxii) “परिवहन” से तात्पर्य है— नगर पालिका परिषद रायबरेली पंजीकृत वैक्यूम टैंकर से एफ0एस0एस0 को डी-स्लजिंग के स्थान से किसी अधिसूचित स्थान तक सुरक्षित तरीके से ले जाना।

(xxiii) “ट्रीटमेंट” से तात्पर्य है— नगर पालिका परिषद रायबरेली में प्रदूषण को कम करने या उसकी रोकथाम के लिए एफ0एस0एस0/सीवेज/अपशिष्ट जल के भौतिक, रासायनिक, जैविक और रेडियोधर्मी लक्षणों में परिवर्तन करने के लिए बनाई गई कोई वैज्ञानिक विधि या प्रक्रिया।

(xxiv) “वैक्यूम टैंकर” एक ऐसा वाहन है जिसमें एफ0एस0एस0 को ओ0एस0एस0 से वायु द्वारा खींचने के लिए बनाया गया पम्प व टैंक होता है। इन वाहनों का उपयोग डी-स्लज किये गये एफ0एस0एस0 के परिवहन के लिए भी किया जाता है।

(xxv) “अपशिष्ट जल” से तात्पर्य है— घरेलू/व्यावसायिक मानव गतिविधि से आने वाला तरल अपशिष्ट, जिसमें शौचालय, रसोईघर और साफ-सफाई की गतिविधि शामिल है, किंतु विनिर्माण और औद्योगिक गतिविधि से आने वाला अपशिष्ट शामिल नहीं हैं। आमतौर पर, यह मलजल बरसाती जल (स्टॉर्मवॉटर) के लिए बनी नालियों से प्रवाहित किया जाता है, इस प्रकार इसमें बरसाती जल भी शामिल होता है। इन विनियमों में प्रयुक्त और इन विनियमों में अपरिभाषित और यहां इसमें ऊपर अपरिभाषित किंतु समय-समय पर लागू अधिनियम अथवा किसी अन्य कानून में परिभाषित अन्य सभी शब्दों और अभिव्यक्तियों से क्रमशः अधिनियम या कानून में निर्दिष्ट अर्थ अभिप्रेत होगा और ऐसा न होने पर उनसे जल आपूर्ति और सीवेज ट्रीटमेंट/निपटान उद्योग में सामान्यतः समझा जाने वाला अर्थ अभिप्रेत होगा।

अध्याय-II

अपशिष्ट जल प्रबन्धन

3- परिसर के अपशिष्ट जल का प्रबन्धन और निपटान- प्रत्येक सम्पत्ति मालिक/धारक (आवासीय और वाणिज्यिक, प्रस्तावित या मौजूदा सहित किन्तु इन्हीं तक सीमित नहीं) यह सुनिश्चित करने के लिए उत्तरदायी होगा/होगी कि उनके परिसर से अपशिष्ट जल का निम्नलिखित में से किसी एक या एकाधिक तरीकों से ट्रीटमेंट अथवा निपटान किया जाता है, अर्थात्-

(i) यदि परिसर की सीमा से सीवर 30 (तीस) मीटर के भीतर या यथा व्यवहार्य किसी अन्य दूरी पर उपलब्ध है, सम्पत्ति को शुल्क (यदि कोई हो) के भुगतान पर और यथा: अपेक्षित अन्य प्रक्रियाओं को पूरा करने पर सीवरेज प्रणाली से जोड़े।

(ii) अपशिष्ट जल को नगर पालिका परिषद रायबरेली द्वारा अनुमोदित समुदाय या स्थानीय क्षेत्र ट्रीटमेंट सुविधा में प्रवाहित किया जाये।

(iii) जिस सम्पत्ति से प्रति दिन 10 हजार लीटर से अधिक अपशिष्ट जल उत्पन्न होता है और जिसके परिसर के भीतर 500 वर्ग मीटर से अधिक हरित क्षेत्र है, वहां एक (डी0डब्ल्यू0डब्ल्यू0टी0) डीप वेस्ट वॉटर टैंक संस्थापित करेगा ताकि सम्पत्ति में उत्पन्न अपशिष्ट का ट्रीटमेंट किया जा सके। सम्पत्ति मालिक/मालकिन, ट्रीटेड अपशिष्ट जल का बागवानी/पलशिंग के लिए पुनः उपयोग कर, इस प्रकार ताजे जल पर निर्भरता को कम करना सुनिश्चित करेगा।

(iv) परिसर का अपशिष्ट जल ओ0एस0एस0 में डिस्चार्ज हो रहा हो जिसका कोई आउसटलेट न हो।

अध्याय-III

ऑनसाईट स्वच्छता व्यवस्थायें

4- ओ0एस0एस0 का डिजाइन, निर्माण और रखरखाव-

(i) ओ0एस0एस0 का डिजाइन, निर्माण और इसकी संस्थापना समय-समय पर यथा: आशोधित "मैनुअल ऑन सीवरेज एण्ड सीवेज ट्रीटमेंट सिस्टम, 2013, केन्द्रीय सार्वजनिक स्वास्थ्य और पर्यावरण इंजीनियरिंग संगठन (C.P.H.E.E.O) के प्रावधानों के अनुसार अथवा नगर पालिका परिषद रायबरेली या राज्य सरकार या केंद्र सरकार द्वारा जारी किये गये किसी अन्य स्वीकृत मजबूत इंजीनियरिंग प्रैक्टिस के अनुसार होंगे।

(ii) ओ0एस0एस0 से जुड़ी सम्पत्ति का मालिक/धारक, उससे निकलने वाले एफ0एस0एस0 की देख-रेख, रख-रखाव और सुरक्षित निपटान के लिए उत्तरदायी होगा।

(iii) परिसर का मालिक/धारक नगर पालिका परिषद रायबरेली द्वारा यथा: निर्धारित लागत के भुगतान पर नियमित आधार पर (प्रत्येक 2-3 वर्ष) में डी-स्लजिंग करायेगा।

(iv) परिसर का मालिक/धारक यह सुनिश्चित करेगा कि उसके ओ0एस0एस0 में खराबी अथवा गलत निर्माण के कारण एफ0एस0एस0 के खुले क्षेत्र में सीधे प्रवाह या नाली में प्रवाहित होने के कारण पर्यावरण में कोई प्रदूषण न हो।

(v) परिसर का मालिक/धारक यह सुनिश्चित करेगा कि लाइसेंस प्राप्त ऑपरेटर या नगर पालिका परिषद रायबरेली के प्रशिक्षित स्वच्छता कर्मी के द्वारा पर्याप्त सुरक्षित उपायों को अपनाते हुए ओएसएस को यांत्रिक रूप से साफ किया जाये और इस प्रयोजन के लिए कोई मैनुअल सफाई न की जाये।

(vi) नगर पालिका परिषद रायबरेली या इसके निर्दिष्ट अधिकारी को गैर-अनुपालन के लिए परिसर का निरीक्षण करने का अधिकार है। नगर पालिका परिषद रायबरेली परिसर के मालिक/धारक को एक समयसीमा के भीतर अपनी लागत पर फीकल स्लज, सेप्टेज एवं अपशिष्ट जल (F.S.S.W.) के प्रबन्धन और निपटान से सम्बन्धित रेड्रोफिटिंग/गैर-अनुपालन में सुधार करने के लिए नोटिस जारी कर सकती है।

अध्याय-IV

एफ0एस0एस0 के डी-स्लजिंग और परिवहन के लिए पंजीकरण तथा लाइसेंसिंग

5— नगर पालिका परिषद रायबरेली द्वारा लाइसेंस जारी किया जाना—

(i) नगर पालिका परिषद रायबरेली निजी ऑपरेटर द्वारा स्वामित्व अथवा किराये पर लिये वैक्यूम टैंकर का पंजीयन करेगा, जो वर्तमान में रायबरेली शहर में डी-स्लजिंग की सेवा प्रदान कर रहे हैं/करेंगे।

(ii) नगर पालिका परिषद रायबरेली अपने कर्मचारियों सहित ऑपरेटरों के लिए इनफॉर्मेशन, एजुकेशन एण्ड कम्यूनिकेशन (आई0ई0सी0) गतिविधियां करेगी, जहां उन्हें एफ0एस0एस0 को सुरक्षित रूप से डी-स्लज और परिवहन के लिए सर्वोत्तम प्रथाओं को नियोजित करने के लिए संवेदनशील और प्रशिक्षित किया जायेगा। यह प्रशिक्षण पंजीकरण की अंतिम तिथि के बाद 01 महीने के भीतर किया जायेगा।

(iii) एक बार जब ऑपरेटर को लगता है कि वह लाइसेंस के मापदण्डों का सफलतापूर्वक अनुपालन करता है, तो वह इन विनियमों के प्रपत्र-1 का उपयोग करते हुए इसके लिए आवेदन करेगा/करेगी। यह प्रशिक्षण पूरा होने के अधिकतम 02 महीने के भीतर किया जायेगा।

(iv) नगर पालिका परिषद रायबरेली एफ0एस0एस0 को डी-स्लज करने और इसके परिवहन के लिए ऑपरेटर को लाइसेंस जारी करेगी।

(v) लाइसेंस इन विनियमों के परिशिष्ट-2 में निर्धारित प्रारूप में जारी किया जायेगा, और जारी होने की तारीख से एक वर्ष तक वैध होगा, अन्यथा इसे पहले रद्द नहीं किया गया हो, और इसकी समाप्ति पर इसे नवीनीकृत किया जा सकेगा, जो कि लाइसेंस प्राप्त ऑपरेटर द्वारा नियम और शर्तों की पूर्ति और निर्धारित शुल्क के भुगतान आधार पर होगा।

(vi) नगर पालिका परिषद रायबरेली आवेदक के स्वामित्व या किराये पर लिये गये वैक्यूम टैंकरों को पंजीकृत करेगी। नगर पालिका परिषद रायबरेली अपनी संतुष्टि के लिये वाहन का निरीक्षण करेगी। नगर पालिका परिषद रायबरेली को उन वाहनों के पंजीकरण को अस्वीकार करने या रद्द करने का अधिकार है जिनके विषय में नगर पालिका परिषद रायबरेली मानती है कि इन विनियमों में उल्लिखित मापदण्डों को पूरा नहीं किया गया हो अथवा जो शहर की सुरक्षा और सार्वजनिक स्वास्थ्य के लिए खतरा है।

6— लाइसेंस जारी करने हेतु मापदण्ड—

(i) लाइसेंस प्राप्त करने के लिए योग्य आवेदक से तात्पर्य इन नियमों के अध्याय-1 (xvii) में परिभाषित व्यक्ति है।

(ii) आवेदक के पास उचित वैक्यूम/सक्शन और डिस्चार्जिंग व्यवस्था के साथ रिसाव-रहित (लीक-प्रूफ), गन्ध और छलकल-रोधी (स्पिल-प्रूफ) वैक्यूम टैंकर स्वामित्व में अथवा किराये पर होना/होने चाहिए।

(iii) रायबरेली में परिचालन किये जाने के लिये वाहन के पास परिवहन विभाग का वैध परमिट या पंजीकरण प्रमाण-पत्र होना अनिवार्य है।

(iv) आवेदक नगर पालिका परिषद रायबरेली के साथ अपने वैक्यूम टैंकर को पंजीकृत करेगा।

(v) आवेदक यह शपथ करेगा कि उसके द्वारा स्वामित्व में अथवा किराये पर लिये गये वैक्यूम टैंकर, इन नियमों के अध्याय-1 (xxii) में उल्लिखित मापदण्डों को पूरा करते हैं।

(vi) आवेदक नगर पालिका परिषद रायबरेली द्वारा नियुक्त एजेंसी द्वारा इस उद्देश्य के लिए श्रमिकों को पर्याप्त रूप से प्रशिक्षित करने का कार्य करेगा।

(vii) आवेदक सुरक्षा गियरों और अन्य व्यक्तिगत सुरक्षा उपकरणों (पी0पी0ई0) के साथ श्रमिकों को लैस करने का कार्य करेगा, जो कि अधिसूचित स्थानों से एफ0एस0एस0 के सुरक्षित रूप से डी-स्लज, परिवहन और निपटान करने के लिये जरूरी होगा। ये आवश्यक पी0पी0ई0 इस विनियम के परिशिष्ट में उल्लिखित सूची के अनुसार होगा।

7— लाइसेंस के लिये आवेदन— एफ0एस0एस0 के डी-स्लज, परिवहन और निपटान के लिए लाइसेंस प्राप्त करने हेतु आवेदन, इसके नियम और शर्तों सहित इन विनियमों के प्रपत्र-1 के रूप में संलग्न निर्धारित प्रारूप में और नगर पालिका परिषद रायबरेली के निर्दिष्ट अधिकारी द्वारा निर्धारित दस्तावेजों के साथ प्रस्तुत किया जायेगा।

8— लाइसेंस हेतु आवेदन करने के लिये आवेदकों को आमंत्रण— नगर पालिका परिषद रायबरेली अपनी वेबसाइट पर और प्रमुख समाचार-पत्रों तथा अन्य प्रिंट व इलेक्ट्रॉनिक मीडिया के माध्यम से समय-समय पर, सम्भावित आवेदकों को लाइसेंस हेतु आवेदन करने के लिए आमंत्रित करने के सम्बन्ध में व्यापक प्रचार-प्रसार करेगी।

9— लाइसेंस के लिए आवेदन शुल्क— नगर पालिका परिषद रायबरेली लाइसेंस प्रदान करने के लिए, आवेदन को प्रक्रियागत करने हेतु समय-समय पर निर्धारित आवेदन-शुल्क प्रभारित कर सकती है। यह शुल्क गैर-वापसी योग्य होगा और इसे इलेक्ट्रॉनिक रूप से अथवा नगर पालिका परिषद रायबरेली के पक्ष में डिमांड-ड्राफ्ट द्वारा भुगतान किया जा सकता है।

10— परफॉरमेंस गारन्टी— लाइसेंस प्राप्त ऑपरेटर, बैंक गारन्टी के तौर पर परफॉरमेंस (कार्य-प्रदर्शन) गारन्टी की निर्धारित राशि जमा करेगा जैसा कि नगर पालिका परिषद रायबरेली द्वारा समय-समय पर अधिसूचित किया गया हो, जिसे विनियमों के तहत किसी भी उल्लंघन के मामले में जब्त कर लिया जायेगा।

11— लाइसेंस प्राप्त ऑपरेटर का प्रचार— नगर पालिका परिषद रायबरेली समय-समय पर लाइसेंस प्राप्त ऑपरेटरों को अपनी वेबसाइट पर और प्रिंट व इलेक्ट्रॉनिक मीडिया के माध्यम से व्यापक प्रचार-प्रसार प्रदान करेगी।

12— जागरूकता अभियान— नगर पालिका परिषद रायबरेली इन नियमों के बारे में लोगों को जागरूक करने के लिए जागरूकता अभियान चलायेगी, साथ ही साथ एफ0एस0एस0 को डी-स्लज, परिवहन और निपटान हेतु केवल लाइसेंस प्राप्त ऑपरेटर को संलग्न करने की आवश्यकता के बारे में भी जागरूक करेगी।

अध्याय-V

एफ0एस0एस0 की डी-स्लजिंग एवं परिवहन

13— सम्पत्ति का मालिक/धारक केवल लाइसेंस प्राप्त ऑपरेटर को ही संलग्न करेगा—

(i) एफ0एस0एस0 की डी-स्लजिंग और परिवहन के लिए नगर पालिका परिषद रायबरेली के लाइसेंस प्राप्त ऑपरेटरों या नगर पालिका परिषद रायबरेली के प्रशिक्षित स्वच्छता कर्मियों की सेवाओं को संलग्न करना संपत्ति के प्रत्येक मालिक/धारक का कर्तव्य होगा।

(ii) मालिक/धारक इस बात की पुष्टि करेगा/करेगी कि डी स्लजर को जारी किया गया लाइसेंस, कार्य के निष्पादन की तारीख तक वैध है। वह इन विनियमों के प्रपत्र-3 में निर्धारित एफ0एस0एस0 की डी-स्लजिंग, परिवहन एवं निपटान के रिकॉर्ड फॉर्म पर अपने हस्ताक्षर भी करेगा/करेगी।

14— फीकल स्लज सेफटेज की डी-स्लजिंग एवं परिवहन के लिए शुल्क—

(i) एफ0एस0एस0 को डी स्लज करने और इसके अधिसूचित स्थानों तक परिवहन के लिए शुल्क को नगर पालिका परिषद रायबरेली के निर्दिष्ट अधिकारी द्वारा समय-समय पर अधिसूचित किया जायेगा।

(ii) जब नगर पालिका परिषद रायबरेली शहर में शेड्यूल्ड डी-स्लजिंग के कार्य को कार्यान्वित करने का निर्णय लेगी, तब डी-स्लजिंग शुल्क को 'सैनिटेशन चार्ज' द्वारा प्रतिस्थापित किया जायेगा, अथवा इसे सम्पत्ति/जल कर में शामिल किया जा सकता है, जिसे समय-समय पर नगर पालिका परिषद रायबरेली द्वारा अधिसूचित किया जायेगा।

(iii) लाइसेंस प्राप्त ऑपरेटर समय-समय पर नगर पालिका परिषद रायबरेली द्वारा अधिसूचित राशि से अधिक, सम्पत्ति के मालिक/धारक से कोई राशि वसूल नहीं करेगा/करेगी।

(iv) एफ0एस0एस0 की डी-स्लजिंग एवं अधिसूचित स्थानों तक परिवहन के लिए अधिसूचित शुल्क से अधिक किसी भी शुल्क की मांग, लाइसेंस प्राप्त ऑपरेटर को उनके लाइसेंस रद्द किये जाने के लिए जिम्मेदार बनायेगा और इन विनियमों के उल्लंघन के लिए उन पर निर्धारित जुर्माना लगाया जायेगा।

15— एफ0एस0एस0 के परिवहन के लिए वाहन—

(i) एफ0एस0एस0 को केवल लाइसेंस प्राप्त ऑपरेटर, या नगर पालिका परिषद रायबरेली के प्रशिक्षित स्वच्छता कार्मियों द्वारा ही डी-स्लज एवं अधिसूचित स्थानों तक परिवहन किया जायेगा।

(ii) वैक्यूम टैंकर को 6 महीने की अवधि के लिए पंजीकृत किया जा सकता है, भले ही सभी आवश्यक शर्तें पूरी न की गई हों। ऐसे मामलों में, सम्बन्धित ऑपरेटर को इस निश्चित समय सीमा के भीतर वैक्यूम टैंकर को अपग्रेड करना होगा।

(iii) एफ0एस0एस0 के सुरक्षित और कुशल परिवहन के लिए वाहनों को केवल निर्दिष्ट मार्गों (जैसा कि समय-समय पर नगर पालिका परिषद रायबरेली द्वारा चिन्हित किया जायेगा) पर ही चलना होगा।

(iv) एफ0एस0एस0 की डी-स्लजिंग एवं अधिसूचित स्थानों तक परिवहन के लिए उपयोग किये जाने वाले वाहन पर नगर पालिका परिषद रायबरेली द्वारा जारी किये गये ऑपरेटर लाइसेंस एवं पंजीकरण की एक प्रति (कापी) प्रमुखता से प्रदर्शित की जायेगी।

(v) वैक्यूम टैंकर को पीले रंग से रंगा जायेगा तथा लाल रंग में "सेप्टिक टैंक वेस्ट" ("SEPTIC TANKWASTE") (अंग्रेजी में) व "मलकुंड अपशिष्ट" (हिन्दी में) लिखकर (सावधानियों को) चिन्हित किया जायेगा।

(vi) एफ0एस0एस0 के परिवहन के लिए उपयोग किये जाने वाले प्रत्येक वाहन में एक जीपीएस उपकरण लगाया जायेगा, और निर्दिष्ट अधिकारी और नगर पालिका परिषद रायबरेली द्वारा अधिसूचित एजेंसी को ऐसे वाहनों के ट्रैकिंग के लिए इसके एक्सेस/पहुंच अधिकार दिये जायेगी।

16— परिवहन के दौरान सावधानियां— लाइसेंस प्राप्त ऑपरेटर यह सुनिश्चित करेगा/करेगी कि डी-स्लजिंग के स्थान से निपटान के अधिसूचित स्थान के बीच परिवहन के दौरान एफ0एस0एस0 का कोई रिसाव/छलकाव नहीं हो।

17— दुर्घटना के मामले में सुरक्षात्मक उपाय— एफ0एस0एस0 को डी-स्लजिंग के स्थान से निपटान के अधिसूचित स्थान के बीच परिवहन के दौरान प्रदूषण से बचने के लिए आवश्यक उपकरणों से सुसज्जित किया जायेगा।

18— दुर्घटना के होने पर लाइसेंस प्राप्त ऑपरेटर की जिम्मेदारी/देयता— किसी भी दुर्घटना या आपदा के होने की स्थिति में किसी भी व्यक्ति, वाहन, संपत्ति या पर्यावरण को हुए किसी भी नुकसान के लिए लाइसेंस प्राप्त ऑपरेटर पूरी तरह से और पूर्ण रूपेण उत्तरदायी होगी और पीड़ितों/उनके कानूनी वारिसों को अपने स्वयं के खर्चे पर किसी भी क्षतिपूर्ति/मुआवजे का भुगतान करने के लिए उत्तरदायी होगा, यदि इसे किसी प्राधिकरण/न्यायालय द्वारा प्रभारित किया जाता है।

19— तैनात कर्मियों के लिए सुरक्षा-उपाय— लाइसेंस प्राप्त ऑपरेटर सभी सुरक्षा उपायों को प्रदान करने के लिए जिम्मेदार होगा, जिसमें हाथ चालित गैस-डिटेक्टर, गैस-मास्क, सुरक्षात्मक गियर, ऑक्सीजन सिलेंडर के साथ ऑक्सीजन-मास्क, और प्राथमिक चिकित्सा बॉक्स आदि शामिल हैं, और ऐसे अन्य उपायों को प्रदान करने के लिए भी जिन्हें इन विनियमों के साथ-साथ “हाथ से मैला उठाने वाले कर्मियों के नियोजन का प्रतिषेध और उनका पुनर्वास अधिनियम-2013” में तथा इसके अधीन बनाये गये नियमों में निर्दिष्ट किया गया है।

20— एफ0एस0एस0 का निपटान—

(i) लाइसेंस प्राप्त ऑपरेटर समय-समय पर नगर पालिका परिषद रायबरेली द्वारा अधिसूचित स्थानों पर ही एफ0एस0एस0 का निपटान करेगा।

(ii) लाइसेंस प्राप्त ऑपरेटर विधिवत तौर पर भरा और हस्ताक्षरित किया एफएसएस की डी-स्लजिंग, परिवहन एवं निपटान का रिकॉर्ड फॉर्म नगर पालिका परिषद रायबरेली के निर्दिष्ट अधिकारी को जमा करेगा।

21— कर्मियों का प्रशिक्षण— लाइसेंस प्राप्त ऑपरेटर एफ0एस0एस0 के डी-स्लजिंग, परिवहन और निपटान में तैनात कर्मियों के आवधिक प्रशिक्षण के लिये जिम्मेदार होगी।

22— कर्मियों की नियमित स्वास्थ्य जांच— लाइसेंस प्राप्त ऑपरेटर यह सुनिश्चित करने के लिए जिम्मेदार होगा/होगी कि प्रत्येक कर्मियों की, जिन्हें ऐसे कार्य में नियोजित किया गया है, प्रति वर्ष कम से कम दो बार स्वास्थ्य जांच की जाती हो और इसका प्रलेख नगर पालिका परिषद रायबरेली को प्रस्तुत किया जाता हो, ऐसा नहीं किए जाने पर लाइसेंस प्राप्त ऑपरेटर ऐसे जुर्माना/अर्थदण्ड देने के लिए उत्तरदायी होगा, जैसा कि समय-समय पर अधिसूचित किया जाता हो।

23— बीमा— एफ0एस0एस0 को डी-स्लज, परिवहन करने और निपटान की प्रक्रिया के दौरान दुर्घटना की स्थिति में लाइसेंस प्राप्त ऑपरेटर द्वारा तैनात कर्मियों को पीड़ितों/उनके कानूनी वारिसों को “हाथ से मैला उठाने वाले कर्मियों के नियोजन का प्रतिषेध और उनका पुनर्वास अधिनियम-2013” और 2003 की रिट याचिका संख्या 583

(सफाई कर्मचारी आंदोलन एवं अन्य बनाम भारतीय संघ एवं अन्य) में अपेक्स कोर्ट के आदेश दिनांक 27 मार्च, 2014 के तहत मुआवजा देने के लिए बीमा किया जायेगा।

24— लाइसेंस रद्द करना— इन विनियमों सहित “हाथ से मैला उठाने वाले कर्मियों के नियोजन का प्रतिषेध और उनका पुनर्वास अधिनियम-2013” के किसी भी प्रावधान के उल्लंघन के मामले में लाइसेंस प्राप्त ऑपरेटर ऐसे जुर्माना/अर्थदण्ड देने के लिए उत्तरदायी होगे जैसा कि समय-समय पर अधिसूचित किया गया हो, जिसमें लाइसेंस को रद्द करना और कार्यबल या निर्दिष्ट अधिकारियों की सिफारिश के अनुसार परफॉरमेंस गारंटी को जब्त करना शामिल है।

अध्याय-VI

फीकल स्लज सेप्टेज वेस्ट के उपचार एवं पुनःउपयोग/निपटान

25— उपचार/निपटान स्थल की पहचान— नगर पालिका परिषद रायबरेली ऐसे स्थानों की पहचान करेगी और अधिसूचित करेगी, जहां एफ0एस0एस0डब्ल्यू को लाइसेंस प्राप्त ऑपरेटरों या नगर पालिका परिषद रायबरेली के प्रशिक्षित स्वच्छता कर्मियों द्वारा उपचार/निपटान किया जायेगा।

26— फीकल स्लज सेप्टेज वेस्ट की प्राप्ति हेतु अधोसंरचना का सृजन— नगर पालिका परिषद रायबरेली आवश्यक बुनियादी अधोसंरचना तैयार करेगी और पंजीकृत वाहनों द्वारा लाये गये एफ0एस0एस0डब्ल्यू के उपचार/निपटान की सुविधा के लिए अधिसूचित स्थान पर आवश्यक उपकरण प्रदान करेगी।

27— फीकल स्लज सेप्टेज प्राप्त करने के लिए कर्मियों की तैनाती— प्रत्येक अधिसूचित स्थान पर एफ0एस0एस0 प्राप्त करने और इसे सम्बन्धित उपचार सुविधा में स्थानांतरित करने हेतु नगर पालिका परिषद रायबरेली पर्याप्त संख्या में कर्मियों को तैनात करेगी।

28— फीकल स्लज सेप्टेज प्राप्ति का समय— नगर पालिका परिषद रायबरेली द्वारा समय-समय पर अधिसूचित घंटे के दौरान प्रत्येक अधिसूचित स्थानों पर नगर पालिका परिषद रायबरेली के तैनात कर्मियों द्वारा एफ0एस0एस0 प्राप्त किया जायेगा।

29— औद्योगिक अपशिष्टों को अनुमति नहीं दी जानी चाहिए— औद्योगिक अपशिष्ट युक्त एफ0एस0एस0 को अधिसूचित स्थानों पर अनुमति नहीं दी जायेगी।

30— फीकल स्लज सेप्टेज प्रबन्धन में प्रशिक्षण— नगर पालिका परिषद रायबरेली द्वारा अधिसूचित स्थानों पर तैनात कर्मियों को फीकल स्लज सेप्टेज प्राप्त करने और उपचार/निपटान के लिए प्रशिक्षित किया जायेगा।

31— उपचारित फीकल स्लज सेप्टेज वेस्ट का पुनः उपयोग—

(i) नगर पालिका परिषद रायबरेली किसानों को अनुपचारित फीकल स्लज सेप्टेज वेस्ट के कृषि अनुप्रयोग से होने वाले स्वास्थ्य और पर्यावरणीय दुष्प्रभावों के बारे में जागरूक करेगी, और एफ०एस०टी०पी० से उपचारित एफ०एस०एस०डब्ल्यू० का उपयोग करने के लिए प्रोत्साहित करेगी।

(ii) नगर पालिका परिषद रायबरेली शहर में डी०डब्ल्यू०डब्ल्यू०टी० से उपचारित अपशिष्ट जल का उपयोग बागवानी और किसी अन्य उद्देश्य के लिए करेगी, जिसमें ताजे पानी के बदले में इसका उपयोग किया जा सकता है।

(iii) किसी भी निर्माण गतिविधि के परियोजना प्रस्तावक परियोजना के आसपास के क्षेत्र (01 किमी के दायरे) में उपलब्ध किसी भी उपचारित अपशिष्ट-जल का उपयोग निर्माण गतिविधियों के लिए करेंगे। केवल उपचारित अपशिष्ट-जल की अपर्याप्त उपलब्धता/अनुपलब्धता के मामलों में, प्रस्तावक अन्य उपलब्ध विकल्पों का पता लगाने और इस हेतु अनुमोदन लेने के लिए नगर पालिका परिषद रायबरेली से परामर्श करेगा।

अध्याय-VII**प्रशासनिक नियन्त्रण और प्रवर्तन****32— प्रशासनिक नियन्त्रण और प्रवर्तन—**

(i) इन नियमों के प्रशासनिक और प्रवर्तन अधिकार अधिशासी अधिकारी या निर्दिष्ट अधिकारी के पास निहित हैं, जिन्हें विधिवत तौर पर अधिशासी अधिकारी द्वारा प्राधिकृत किया गया है।

(ii) डी-स्लजिंग, परिवहन या उपचार की सेवाएँ प्रदान करने के लिए नगर पालिका परिषद रायबरेली समय-समय पर उपयोगकर्ता शुल्क निर्धारित और अधिसूचित कर सकती है। इसकी लागत वसूली सुनिश्चित करने के लिए, उपयोगकर्ताओं को इन सेवाओं हेतु भुगतान करना होगा।

33— निरीक्षण के लिये विशेष अधिकार— इन विनियमों के प्रभावी कार्यान्वयन और प्रवर्तन के उद्देश्य से, नगर पालिका परिषद रायबरेली के पास किसी भी समय किसी भी परिसर, परिवहन वाहनों और एफ०एस०एस०डब्ल्यू० उपचार सुविधा के निरीक्षण का अधिकार होगा।

34— उल्लंघन और दण्ड—

(i) इन नियमों के किसी भी प्रावधान के उल्लंघन के दोषी किसी भी व्यक्ति को इसके अनुपालन के लिए नोटिस जारी किया जायेगा।

(ii) कोई भी व्यक्ति इन नियमों के तहत दण्डात्मक प्रावधानों के लिये जिम्मेदार होगा यदि ऐसा व्यक्ति—

(क) उल्लंघन करता है, अथवा इन नियमों के किसी भी प्रावधान का पालन करने में विफल रहता है;

(ख) इन विनियमों के तहत किसी भी अधिकार के निर्वहन अथवा किसी भी कर्तव्य के अनुपालन में उसे सौंपे गये अधिकार के तहत कार्य करने वाले नगर पालिका परिषद रायबरेली के किसी निर्दिष्ट अधिकारी या अन्य अधिकारी के साथ बाधा, रोक या हस्तक्षेप करता है;

(ग) किसी भी ओ०एस०एस०/सीवर को डी-स्लज करने के लिये हाथ से किये जाने वाले कार्य का सहारा लेता है।

(iii) इन नियमों के प्रावधानों के उल्लंघन के लिये दोषी पाये जाने वाले व्यक्ति को परिशिष्ट में इंगित राशि के साथ और सम्बन्धित कानून के तहत मुकदमा चलाकर दण्डित किया जायेगा, और साथ ही एफ०एस०एस० परिवहन वाहन, एफ०एस०एस०डब्ल्यू उपचार सुविधा या सम्पत्ति को जब्त किया जायेगा, जैसा भी मामला हो।

(iv) जहां कहीं ऐसे किसी भी मामले में, जिसमें परिशिष्ट में स्पष्ट रूप से जुर्माना इंगित नहीं किया गया है, दोषी पाये गये व्यक्ति को पांच हजार भारतीय रुपये (रु० 5,000/-) के जुर्माने के साथ दण्डित किया जायेगा और इसके बाद निरंतर उल्लंघन के मामले में एक हजार भारतीय रुपए (रु० 1,000/-) प्रति दिन की दर से एक अतिरिक्त जुर्माना राशि के साथ ऐसे जारी उल्लंघन के लिये उस अवधि हेतु दण्डित किया जायेगा।

(v) संदेह के समाधान के लिये, एतद घोषित किया जाता है कि इन विनियमों में स्पष्ट तौर पर ऐसा कुछ नहीं होने के बावजूद किसी व्यक्ति को किसी भी अन्य सम्बन्धित अधिनियम के तहत मुकदमा चलाने और दंडित होने से नहीं रोका जा सकता है, जो उस समय लागू हो तथा जिन्हें ऐसे कृत्य अथवा चूक हेतु इन नियमों के तहत दण्डनीय किया गया है।

35— अपील— कोई भी व्यक्ति जो इन नियमों के तहत नगर पालिका परिषद रायबरेली के किसी निर्दिष्ट अधिकारी के निर्णय से व्यथित हो, अधिशासी अधिकारी को ऐसे निर्णय के विरुद्ध अपील कर सकता है (इन विनियमों के परिशिष्ट 4 में संलग्न प्रारूप में) और यदि निर्णय अधिशासी अधिकारी द्वारा किया गया है, तो अपील उस आदेश की प्रति प्राप्त होने की तारीख से तीस दिनों की अवधि के भीतर कार्यबल को प्रस्तुत की जायेगी, जिसके विरुद्ध अपील की गई थी।

36— विवाद समाधान उपबन्ध— कोई भी विवाद, जो इन विनियमों के संचालन के सम्बन्ध में उठाया गया हो/उत्पन्न हुआ हो उनका समाधान भारतीय कानूनों के तहत सक्षम न्यायालय द्वारा किया जायेगा, और जिनका अधिकार क्षेत्र केवल रायबरेली शहर होगा।

37— संदर्भ दस्तावेज— नियमों के कार्यान्वयन और निष्पादन की आसानी के लिये, इन नियमों के परिशिष्ट में प्रदान किये गये मानकों, रणनीतियों, मैनुअल, दिशानिर्देशों और नीतियों की सूची को संदर्भित किया जा सकता है, क्योंकि वे समय-समय पर संशोधित किये जायेंगे।

38— राज्य सरकार के निर्देश इन विनियमों के पूरक होंगे— राज्य सरकार इन नियमों के प्रवर्तन व निष्पादन में कठिनाइयों को दूर करने के लिये एफ०एस०एस०डब्ल्यू०एम० के संबंध में निर्देश जारी कर सकता है।

परिशिष्ट-1

प्रपत्र 1— एफ0एस0एस0 के संग्रहण, परिवहन और निपटान हेतु लाइसेंस के लिये आवेदन प्रपत्र

नगर पालिका परिषद रायबरेली में मल कीचड़ एवं सेप्टेज के संग्रहण,

परिवहन और निपटान हेतु लाइसेंस के लिये आवेदन प्रपत्र

1— आवेदक का नाम (श्री/सुश्री)—.....

2— राष्ट्रियता (भारतीय/अन्य)—.....

3— पत्राचार का पता—.....

.....

.....

.....

4— मुख्य कार्यालय/पंजीकृत कार्यालय का पता—.....

.....

.....

5— टेलीफोन नम्बर (कार्यालय)..... (मोबाइल).....

6— ईमेल आईडी—.....

7— वाहन की पंजीकरण संख्या—

(i)

(ii)

(iii)

(iv)

8— वाहन फिटनेस प्रमाण-पत्र वैधता की अवधि—

(i)

(ii)

(iii)

(iv)

9— वाहन बीमा वैधता की अवधि—

(i)

(ii)

(iii)

(iv)

10— वाहन प्रदूषण प्रमाण-पत्र वैधता की अवधि—

(i)

(ii)

(iii)

(iv)

11- क्या वाहन में जीपीएस ट्रैकर संस्थापित है (हाँ/नहीं)

12- लाइसेंस के लिये प्रोसेसिंग शुल्क के भुगतान का विवरण-

डी0डी0 नम्बर- दिनांक- बैंक-

13- संलग्न दस्त्रावेजों की सूची (स्वयं-सत्यापित प्रति) (टिक ✓ करें)

<input type="checkbox"/> पहचान पत्र (आधार कार्ड)	<input type="checkbox"/> पंजीकरण प्रमाण-पत्र	<input type="checkbox"/> प्रदूशन प्रमाण-पत्र
<input type="checkbox"/> निवास प्रमाण-पत्र	<input type="checkbox"/> स्वास्थ्य प्रमाण-पत्र	<input type="checkbox"/> ड्राइविंग लाइसेंस
<input type="checkbox"/> बीमा और पॉलिसी अनूसूची का प्रमाण-पत्र	<input type="checkbox"/> पासपोर्ट साइज फोटो	<input type="checkbox"/> कर्मचारियों की सूची

संलग्नों की सूची संख्या-

मैं/हम यह प्रमाणित करता (करती) हूँ/करते हैं कि मेरे/हमारे द्वारा कॉलम 1 से 13 में दी गई जानकारी मेरे/हमारे संज्ञान में सही और सत्य है। मैं यह भी प्रमाणित करता (करती) हूँ कि मैंने संलग्न नियमों और शर्तों को ठीक ढंग से पढ़ और समझ लिया है और इनके अनुपालन के लिये मैं सहमत हूँ। मैं इस बात से सहमत हूँ कि यदि मेरे द्वारा दी गई कोई भी जानकारी गलत पाई जाने पर किसी भी समय लाइसेंस के लिये मेरा आवेदन रद्द किया जा सकता है।

आवेदक के हस्ताक्षर

तिथि

निबन्धन एवं शर्तें-

I. मल कीचड़ और सेप्टेज (एफ0एस0एस0) का संग्रहण एवं परिवहन केवल ऐसे अभिकरण द्वारा किया जायेगा जिनके पास इस उद्देश्य हेतु नगर पालिका परिषद रायबरेली से जारी किया गया वैध लाइसेंस हो।

II. मल कीचड़ और सेप्टेज उपचार संयन्त्र (एफ0एस0टी0पी0) तक एफ0एस0एस0 के संग्रहण और परिवहन के लिये लिया जाने वाला शुल्क समय-समय पर नगर पालिका परिषद रायबरेली द्वारा निर्धारित किया जायेगा। कोई भी लाइसेंस प्राप्त ऑपरेटर ओएसएस के मालिक/मालकिन से निर्धारित शुल्क से अधिक नहीं वसूल करेगा।

III. एफ0एस0एस0 का परिवहन केवल उन अनुमोदित वाहनों से होगा, जिन्हें नगर पालिका परिषद रायबरेली द्वारा प्राधिकृत अधिकारी ने अनुमति दी हो।

IV. लाइसेंस प्राप्त ऑपरेटर यह सुनिश्चित करेंगे कि एफ0एस0टी0पी0 तक परिवहन के दौरान एफ0एस0एस0 का कोई रिसाव नहीं हो रहा है।

V. डिस्लजिंग बिन्दु से एफ0एस0टी0पी0 तक एफ0एस0एस0 को ले जाने वाले वाहन के चलने के दौरान किसी भी दुर्घटना के होने के कारण प्रदूषण के खतरे का ध्यान रखने के लिए निर्धारित उपकरण लगाया जायेगा।

VI. एफ0एस0एस0 के परिवहन के लिये उपयोग किये जाने वाले प्रत्येक वाहन में जी0पी0एस0 उपकरण लगाया जायेगा और नगर पालिका परिषद रायबरेली द्वारा अधिसूचित एजेंसी को इसकी पहुंच/एक्सेस का अधिकार ऐसे वाहनों की निगरानी के लिये दिया जायेगा।

VII. किसी भी दुर्घटना के होने अथवा आपदा की स्थिति में किसी भी व्यक्ति, वाहन, संपत्ति और पर्यावरण को होने वाले किसी भी नुकसान के लिये लाइसेंसधारी पूरी तरह से जिम्मेदार होगा।

VIII. एफ0एस0एस0 के परिवहन के लिये उपयोग किये जाने वाले वाहन पर लाइसेंस की एक प्रति प्रमुखता से प्रदर्शित की जायेगी।

IX. वाहन/टैंकर को पीले रंग से रंगा जायेगा तथा लाल रंग में "सेप्टिक टैंक वेस्ट" "SEPTIC TANK WASTE" (अंग्रेजी में) व "मलकुण्ड अपशिष्ट" (हिन्दी में) लिखकर सावधानियों को चिन्हित किया जायेगा।

X. लाइसेंसधारी एफ0एस0एस0 को केवल निर्दिष्ट एफ0एस0टी0पी0/नामित स्थानों में ही निपटान करेंगे।

XI. एफ0एस0एस0टी0पी0 पर एफ0एस0एस0 सभी दिनों में सुबह 7 बजे से शाम 7 बजे तक प्राप्त किया जायेगा। लाइसेंसधारी इस तरह से ट्रिप की योजना बनायेगा, ताकि तय किये गये समयावधि के भीतर टैंक को निर्दिष्ट स्थानों में खाली किया जा सके।

XII. लाइसेंसधारी तैनात कर्मचारियों के नियमित प्रशिक्षण प्रदान करने के लिये जिम्मेदार होगा, जो किसी दुर्घटना की स्थिति में पर्यावरण को होने वाले नुकसान को कम करने के लिये उपाय करने, एफ0एस0एस0 के संग्रहण, परिवहन और निपटान की प्रभावी सेवायें प्रदान, करने सुरक्षात्मक उपकरणों का उपयोग करने आदि के लिये होगा।

XIII. लाइसेंसधारी यह सुनिश्चित करने के लिये जिम्मेदार होगा कि प्रत्येक कर्मचारी सदस्य की प्रत्येक वर्ष में कम से कम एक बार स्वास्थ्य जांच की जाती हो, और लाइसेंस के नवीनीकरण के समय रायबरेली को इससे सम्बन्धित रिकॉर्ड प्रस्तुत किया जायें।

XIV. एफ0एस0एस0 की सफाई, परिवहन और निपटान की प्रक्रिया के दौरान किसी भी दुर्घटना के लिये तैनात कर्मचारियों का लाइसेंसधारी द्वारा बीमा किया जायेगा।

XV. इन नियमों के किसी भी प्रावधान के उल्लंघन के मामले में, लाइसेंस रद्द कर दिया जायेगा और लाइसेंसधारी की बयाना-राशि/सुरक्षा-राशि को जब्त कर लिया जायेगा, और साथ ही साथ वह इन नियमों के उल्लंघन के लिये निर्धारित अर्थदण्ड का भुगतान करने के लिये भी जिम्मेदार होगा।

परिशिष्ट-2

प्रपत्र 1— एफ0एस0एस0 के संग्रहण, परिवहन और निपटान हेतु लाइसेंस प्रदान करने हेतु

नगर पालिका परिषद रायबरेली में मल कीचड़ एवं सेप्टेज के संग्रहण,

परिवहन और निपटान हेतु लाइसेंस के लिये आवेदन प्रपत्र

नियमों/ विनियमों, नगर पालिका अधिनियम नियमों के सभी निबन्धनों व शर्तों के क्रम में

यह लाइसेंस और उत्तर प्रदेश सरकार के नियमों और कानूनों को लागू करने के

विशेष लाइसेंस शर्तों के अधीन एतद् आपको अनुमति दी गई है।

1— आवेदक का नाम (श्री/सुश्री).....

.....

2— मुख्य कार्यालय/पंजीकृत कार्यालय का पता.....

.....

.....

नगर पालिका परिषद रायबरेली में ऑनसाइट कन्टेनमेंट से मल कीचड़ एवं सेप्टेज के संग्रहण, परिवहन एवं निपटान के लिये।

यह लाइसेंस एफ0एस0एस0 संग्रहण, परिवहन और निपटान लाइसेंस आवेदन फॉर्म में दी गई जानकारी पर आधारित है। यह लाइसेंस इसके जारी होने की तारीख से एक वर्ष की अवधि के लिए प्रभावी है, जो नीचे निर्धारित है।

3—

4—

5—

गैर-अनुपालन के मामले में लाइसेंस रद्द या निरस्त किया जा सकता है और यह हस्तान्तरणीय नहीं है। लाइसेंसधारी के कार्यालय में मूल लाइसेंस की प्रति फाइल में रखी जायेगी। इस लाइसेंस की एक प्रति लाइसेंसधारक द्वारा उपयोग किये प्रत्येक पंजीकृत वाहन में प्रदर्शित की जानी चाहिये।

6— हस्ताक्षर

एम्पटीयर/ऑपरेटर/मालिक

अधिशाली अधिकारी

नगर पालिका परिषद

रायबरेली

परिशिष्ट-3**सुरक्षात्मक गियर और सुरक्षा उपकरणों की सूची**

कार्यस्थल पर निम्नलिखित सुरक्षात्मक गियर तथा सुरक्षा उपकरण उपलब्ध कराये जायेंगे

- (i). शारीरिक सुरक्षा परिधान, जो मुख्य रूप से पॉलिएस्टर से बने होते हैं, जो प्रतिबिंबित होते और रासायनिक स्प्लैश प्रतिरोध प्रदान करते हैं।
- (ii). सेपटी बॉडी हार्नेस/सेपटी बेल्ट
- (iii). सर्जिकल फेस मास्क/रेस्पिरेटर्स, जो धूल, धुएं, धुंध, माइक्रोआर्गेनिज्म से सुरक्षा प्रदान करते हैं
- (iv). सेपटी टॉर्च
- (v). भारी रसायन प्रतिरोध हाथ के दस्ताने, जो ब्यूटाइल से बने होते हैं और यांत्रिक सुरक्षा और खतरनाक सामग्री के छलकाव से सुरक्षा देने के लिये अतिरिक्त तौर पर फायदेमंद होते हैं
- (vi). सेपटी गॉगल्स (सुरक्षात्मक चश्मे) जिनमें रासायनिक छींटे झेलने की क्षमता के साथ संक्रामक पदार्थों को आंखों तक पहुंचने से बचाने की क्षमता होती है।
- (vii). सेपटी हेलमेट (कॉर्डेड) जिसमें एक टार्च लगी होती है और जो कम प्रकाशित स्थानों में कार्य करने में सहायक हो।
- (viii). पुनः उपयोग किये जाने वाला इयरप्लग, जो प्रमुख तौर पर एक लचीली पट्टी से जुड़े होते हैं, जिसे जरूरत न होने पर गर्दन पर पहना जा सकता है। ये सिलिकॉन से बने होते हैं और ये वैक्यूम टैंकरों के ऑपरेशन के दौरान सहायक होते हैं, जहाँ औसत ध्वनि स्तर 85कंठ से अधिक होती है
- (ix). एमर्जेंसी मेडिकल ऑक्सिजन रिससकिटेटर किट
- (x). गैस मॉनिटर
- (xi). हैड लैम्प
- (xii). गाइड पाइप सेट
- (xiii). सुरक्षा ट्राईपॉड सेट
- (xiv). वेडर बूट्स
- (xv). एयर कंप्रेसर और ब्लोअर
- (xvi). मॉड्यूलर एयरलाइंस आपूर्ति ट्रॉली सिस्टम
- (xvii). रेनकोट

परिशिष्ट-4

प्रपत्र 1— एफएसएस के संग्रहण, परिवहन और निपटान का रिकॉर्ड

नगर पालिका परिषद रायबरेली में मल कीचड़ एवं सेप्टेज के संग्रहण,
परिवहन और निपटान हेतु लाइसेंस के लिये आवेदन प्रपत्र

तिथि—.....

दिनांक

I- ऑनसाइट सिस्टम में मालिक/मालकिन का विवरण

1— नाम—.....

2— पता—.....

3— टेलीफोन नम्बर—.....

4— स्थापना का प्रकार—.....

II- नियंत्रण—

1— निर्माण का वर्ष—

2— पिछली डिस्लजिंग— (तिथि/माह/वर्ष)—

3— मौजूदा आउटलेट (हाँ/नहीं)—.....

4— यदि हाँ, किस से जुड़ा हुआ—.....

5— कन्टेनमेंट का आकार—

6— लाइनिंग (हाँ/नहीं)— दीवारें तल

7— कक्षों की संख्या—.....

8— प्रत्येक बाधक दीवार में आउटलेट की संख्या—

9— माप (फिट) लम्बाई चौड़ाई..... गहराई

व्यास गहराई

10— जीपीएस निर्देशांक— अक्षांश देशान्तर.....

11— संपत्ति के भीतर कन्टेनमेंट का स्थान—.....

III- डि-स्लजिंग

1— एफएसएस की मात्रा (घन मीटर)-----

2— डि-स्लजिंग में समय (घन्टे)-----

3— यात्रा की लम्बाई (किमी)-----

4— आवागमन में समय (घन्टे)-----

IV- डी-स्लजिंग सेवा प्रदाता का विवरण—

1— ऑपरेटर का नाम-----

2— वाहन पंजीकरण संख्या-----

3— आर०एन०पी०पी० नं० -----

V- हस्ताक्षर—

ड्यूटी पर एम्पटीयर स्टाक

एम्पटीयर/ऑपरेटर/मालिक

एफएमएमटीपी ऑपरेटर

ड्यूटी पर एम्पटीयर स्टाक

VI- डिकैटिंग (निथारना)—

1— समय (घन्टे/माह)-----

2— एफएसएस की मात्रा (घन मीटर)-----

3— एम्पटीयर कर्मचारी का नाम-----

4— एफएसएसटीपी ऑपरेटर का नाम-----

ड्यूटी पर एम्पटीयर स्टाक

एम्पटीयर/ऑपरेटर/मालिक

एफएमएमटीपी ऑपरेटर

परिशिष्ट-5

दण्ड और जुर्माना—

क्रम सं०	विवरण	शुल्क	जुर्माना	जुर्माना (रुपये या किसी अन्य दण्डात्मक रूप में कार्यवाही)
1	2	3	4	5
		रु०	रु०	
1—	घरेलू टैंक सफाई 3000 ली० (प्रथम बार)	1,500.00		—
2—	घरेलू टैंक सफाई 3000 ली० अनुवर्ती (द्वितीय बार)	1,200.00		—
3—	व्यवसायिक संस्थान (बड़े) टैंक सफाई	2,500.00		—
4—	व्यवसायिक संस्थान (बड़े) टैंक सफाई	2,000.00		—
5—	नगर पालिका परिषद रायबरेली से पंजीकरण के बिना टैंकर को ऑपरेट करना।	—	2,000.00	—
6—	लगातार द्वितीय बार उल्लंघन करने पर			
7—	नगर पालिका परिषद रायबरेली द्वारा अधिसूचित स्थान के अलावा एफ०एस०एस० का निर्वहन	—	5,000.00	—
8—	लगातार द्वितीय बार उल्लंघन करने पर			
9—	नाला/सड़क/खुले क्षेत्र में अपशिष्ट जल सीधे/असुरक्षित प्रवाह	—	5,000.00	
10—	लगातार द्वितीय बार उल्लंघन करने पर	—	10,000.00	वाहन जब्तीकरण
11—	आकस्मिक छलकाव पर ध्यान न देने पर गैर-अनुपालन	—	1,000.00	
12—	लगातार द्वितीय बार उल्लंघन करने पर	—	1,500.00	वाहन जब्तीकरण
13—	सेप्टिक टैंक क्लीनर द्वारा समस्त उपकरणों अथवा सुरक्षा किट का उपयोग न करने पर	—	2,000.00	

नोट— निकाय समय-समय पर ऊपर दिये गये जुर्माना को संशोधित कर सकता है

परिशिष्ट-6

प्रपत्र 4— अपीलीय प्राधिकारी के समक्ष प्रस्तुत किये जाने वाले अपील ज्ञापन
अपीलीय प्राधिकारी के समक्ष प्रस्तुत किये जाने वाले अपील ज्ञापन का प्रपत्र

अपीलीय प्राधिकारी के समक्ष—

.....(पदनाम)

1— अपीलकर्ता का पूरा नाम—.....

2— अपीलकर्ता का पता—.....

3— नगर पालिका अधिकारी का विवरण जिसके आदेश के विरुद्ध अपील जारी की हैं—

नाम— पदनाम—.....

4— आदेश प्राप्त होने की तिथि जिसके विरुद्ध अपील जारी की है—.....

5— अपील दर्ज करने की तिथि—.....

6— सूचना का विवरण—

क— संक्षिप्त में अपील का विषय (आदेश की प्रतिलिपि लगायें).....

ख— अपील का आधार (विवरण, यदि कोई हो तो अलग शीट में संलग्न किया जाये).....

सत्यापन

मैं,(आवेदक का नाम) श्री का
पुत्र/पुत्री/पत्नी यह घोषणा करता/करती हूँ कि अपील में प्रदान की गई जानकारी मेरे संज्ञान और विश्वास में सही
और यह कि मेरे द्वारा किसी भी तथ्यगत जानकारी को छुपाया नहीं गया है।

अपीलकर्ता के हस्ताक्षर

स्थान—..... तिथि—.....

संलग्नक के रूप में प्रस्तुत दस्तावेजों की सूची—

1—

2—

..... यहाँ से फाड़े

पावती

सं०..... तिथि

.....से

संलग्नक के साथ अपील का ज्ञापन प्राप्त किया

स्थान—..... तिथि—.....

.....

अधिकृत अधिकारी की मुहर और हस्ताक्षर
नगर पालिका परिषद रायबरेली के आदेश
द्वारा

(अधिकासी अधिकारी के हस्ताक्षर)
नगर पालिका परिषद रायबरेली

परिशिष्ट-7

संदर्भित दस्तावेत— इन आदर्श उपविधियों की रचना निम्नलिखित अधिनियमों व अन्य राज्य की उपविधियों का अध्यन करके किया गया है।

- 1— उत्तर प्रदेश नगर पालिका अधिनियम-1916
- 2— उ०प्र० सेप्टेज प्रबन्धन नीति 2019 नगर विकास विभाग उ०प्र० सरकार।
- 3— फीकल स्लज एवं सेप्टेज प्रबन्धन पर राष्ट्रीय नीति 247 आवास और शहरी कार्य मंत्रालय भारत सरकार।
- 4—राष्ट्रीय स्वच्छता नीति 2008 शहरी विकास मंत्रालय भारत सरकार।

शत्रोहन लाल सोनकर,
अध्यक्ष
नगर पालिका परिषद,
रायबरेली।

कार्यालय, नगर पंचायत जलालाबाद, शामली

31 जनवरी, 2025 ई0

सं0 1489/न0पं0ज0बाद/2024-25—उत्तर प्रदेश नगर पालिका अधिनियम, 1916 की धारा-298 में प्रदत्त शक्तियों का प्रयोग करते हुये नगर पंचायत जलालाबाद, जनपद-शामली द्वारा आहूत बैठक दिनांक 20 जुलाई, 2024 के द्वारा नगर पंचायत क्षेत्र की सीमा में “कोलोनाइजर (नई कॉलोनी के विकास हेतु) उपविधि 2024” बनायी गयी है। प्रस्तावित “कोलोनाइजर (नई कॉलोनी के विकास हेतु) उपविधि 2024” को उत्तर प्रदेश नगर पालिका अधिनियम, 1916 की धारा-301 के अन्तर्गत अपेक्षा अनुसार सभी नगर वासियों को आपत्ति एवं सुझाव आमंत्रित किये जाने के उद्देश्य से नगर पंचायत जलालाबाद कार्यालय के पत्रांक सं0-1413/न0पं0ज0बा/को0उपविधि/2024, दिनांक 21 नवम्बर, 2024 द्वारा प्रस्तावित “कोलोनाइजर (नई कॉलोनी के विकास हेतु) उपविधि 2024” का प्रकाशन दैनिक समाचार-पत्र दैनिक जागरण एवं पश्चिम प्रान्त बुलेटिन में दिनांक 22 नवम्बर, 2024 में कराते हुये 30 दिन के भीतर आपत्ति/सुझाव आमंत्रित किये गये थे। नियत अवधि के भीतर कोई भी आपत्ति एवं सुझाव नगर पंचायत जलालाबाद, कार्यालय में प्राप्त नहीं हुये। नगर पालिका अधिनियम, 1916 के निहित प्राविधानों के अधीन यह घोषित किया जाता है कि उक्त “कोलोनाइजर (नई कॉलोनी के विकास हेतु) उपविधि 2024” शासकीय गजट में प्रकाशित होने की तिथि से प्रभावी समझी जायेगी।

“कोलोनाइजर (नई कॉलोनी के विकास हेतु) उपविधि 2024”

शासनादेश संख्या-2399/नौ-9-94-204(जनरल)/90 दिनांक 27 अक्टूबर, 1994 के अनुपालन में उत्तर प्रदेश नगर पालिका अधिनियम, 1916 की धारा-298 जो नगर पंचायत पर प्रवृत्त है, के अन्तर्गत नगर पंचायत जलालाबाद, जनपद-शामली में “कोलोनाइजर (नई कॉलोनी के विकास हेतु) उपविधि 2024” कहलायेगी, जिसका विवरण निम्नानुसार है—

1— संक्षिप्त नाम एवं प्रसार—

2—यह उपविधि नगर पंचायत जलालाबाद, कोलोनाइजर एवं नई कॉलोनी का विकास उपविधि 2024 कहलायेगी।

3—इस उपविधि का प्रसार नगर पंचायत जलालाबाद, की सीमा के अन्तर्गत विकसित होने वाली सभी कॉलोनियों पर होगा। यह उपविधि उन कॉलोनियों पर भी लागू होगी जो कि पूर्व में किसी कोलोनाइजर द्वारा विकसित की जा चुकी है अथवा विकसित होने की प्रक्रिया में हैं।

4—यह उपविधि गजट में प्रकाशन के दिनांक से लागू होगी।

2— परिभाषायें—

1— अधिनियम से तात्पर्य उत्तर प्रदेश आवास एवं विकास अधिनियम, 1965 (यथा संशोधित अधिनियम 2008) एवं उत्तर प्रदेश नगर पालिका अधिनियम, 1916 से है।

2— परिवर्तन अथवा परिवर्धन से तात्पर्य भवन की संरचना में होने वाले किसी भी परिवर्तन अथवा परिवर्धन से है जिसके अंतर्गत दीवार, छज्जा, दरवाजा, खिड़की, छत इत्यादि सभी सम्मिलित है।

3— बेसमेंट से तात्पर्य भू-तल से नीचे या अंशतः भू-तल के नीचे के निर्माण से है।

4— अधिशासी अधिकारी से तात्पर्य नगर पंचायत जलालाबाद, के अधिशासी अधिकारी से है।

5— अध्यक्ष/प्रशासक से तात्पर्य नगर पंचायत जलालाबाद, के अध्यक्ष या प्रशासक से है।

6— बोर्ड से तात्पर्य नगर पंचायत जलालाबाद, के निर्वाचित बोर्ड अथवा शासन द्वारा दी गयी व्यवस्था से है।

7— उत्तर प्रदेश नगर पालिका अधिनियम, 1916 में दिये गये प्राविधान तथा समय-समय पर जारी किये गये विभिन्न शासनादेशों के प्राविधान इस नियमावली पर प्रभावी होंगे।

8—“नक्शा नफीस/मानचित्रकार/ड्रॉफ्टमैन” का अभिप्राय नगर पंचायत जलालाबाद, के अनुज्ञा/लाइसेन्स प्राप्त मानचित्रकार/नक्शा नफीस से है।

9— कोलोनाइजर से तात्पर्य ऐसे व्यक्ति से है, जिसके द्वारा किसी कॉलोनी का निर्माण एवं विकास किया गया है।

10— शमन शुल्क से तात्पर्य उस शुल्क से है, जो कि किसी व्यक्ति पर इस उपविधि के प्रावधानों का उल्लंघन करने के फलस्वरूप दण्ड हेतु लगाया गया है।

3— नई कॉलोनी के निर्माण एवं विकास हेतु नियम व शर्तें— कोई भी व्यक्ति/कोलोनाइजर जो कि नगर पंचायत जलालाबाद, की सीमा के अर्न्तगत नयी कॉलोनी का निर्माण एवं विकास करना चाहता है उसे निम्न लिखित नियम व शर्तों का अनुपालन करना अनिवार्य होगा।

1— कोलोनाइजर को नई कॉलोनी का निर्माण करने से पूर्व एक लिखित प्रार्थना-पत्र/आवेदन-पत्र निर्धारित शुल्क व दस्तावेजों/अभिलेखों के साथ नगर पंचायत कार्यालय में स्वीकृति हेतु जमा करना होगा।

2— यदि किसी भी नई कॉलोनी में निर्माण कार्य/विकास इस उपविधि के लागू होने के पश्चात् बिना नगर पंचायत की अनुमति/स्वीकृति के शुरू किया गया हो तो कोलोनाइजर को एक अवसर विनियमित कराने हेतु नोटिस के माध्यम से दिया जायेगा, जिसमें नगर पंचायत बोर्ड/अधिशाली अधिकारी द्वारा निर्धारित शमन शुल्क लेकर स्वीकृति हेतु 15 दिन का अधिकतम समय दिया जायेगा।

3— यदि निर्धारित अवधि के अर्न्तगत स्वीकृति हेतु नगर पंचायत में कोई आवेदन प्राप्त नहीं होता है तो नगर पंचायत को यह पूर्ण अधिकार होगा कि वह 3 दिन के अन्तिम अवसर का नोटिस देते हुये नई कॉलोनी में हुये निर्माण कार्य को ध्वस्त करा दें तथा ध्वस्तीकरण में आने वाले खर्च को सम्बन्धित कोलोनाइजर से नगर पालिका अधिनियम, 1916 के अध्याय 6 में दी गयी रीति से वसूल कर लें।

4— नई कॉलोनी के विकास हेतु जो भी आवेदन नगर पंचायत के समक्ष प्रस्तुत किये जायेंगे, उनमें अधिकतम 30 दिनों के अन्दर स्वीकृति अथवा अस्वीकृति का निर्णय अधिशाली अधिकारी द्वारा लिया जायेगा। यदि बिना किसी यथोचित कारण के 30 दिन के अन्दर स्वीकृति/अस्वीकृति पर निर्णय नहीं लिया जाता है अथवा विलम्ब किया जाता है तो उसे स्वतः ही स्वीकृत माना जायेगा।

5— स्वतः स्वीकृति के सभी मामलों में यह प्रतिबन्ध होगा कि कोलोनाइजर द्वारा नगर पंचायत द्वारा निर्धारित शुल्क/शमन शुल्क व नियम शर्तों का अनुपालन किया हुआ है।

6— नई कॉलोनी में सभी आवश्यक सुविधायें यथा—बिजली, पानी, सड़क, सफाई, जलनिकासी इत्यादि की व्यवस्था कोलोनाइजर को अनिवार्य रूप से करनी होगी।

7— कोलोनाइजर को कॉलोनी का निर्माण एवं विकास से सम्बन्धित सभी सुविधायें स्वीकृति मिलने के 2 वर्ष के अन्दर कराना अनिवार्य होगा। इसके पश्चात् उसे निर्धारित शुल्क जमा कर पुनः स्वीकृति लेनी होगी। पुनः स्वीकृति 1-1 वर्ष हेतु अधिकतम 3 बार ही दी जा सकती हैं जिस पर अन्तिम निर्णय अधिशाली अधिकारी का होगा, जो की बाध्यकारी होगा।

8— आवेदन के साथ एक निर्धारित धनराशि सिव्योरिटी के रूप में नगर पंचायत के पास बन्धक के रूप में होगी, जो की इस उपविधि के किसी भी प्रावधान का उल्लंघन करने पर जब्त कर ली जायेगी।

9— सिव्योरिटी धनराशि को अधिशासी अधिकारी अथवा उसके द्वारा अधिकृत व्यक्ति द्वारा जॉच उपरान्त पूर्णतः प्रमाण-पत्र निर्गत करने के उपरान्त जारी की जायेगी।

10— नई कॉलोनी विकसित करने से पूर्व सभी अकृषिगत भूमि को अकृषिगत उपयोग में लाने हेतु राजस्व संहिता की धारा-80 अथवा जो भी नियमानुसार प्रक्रिया है, कराना अनिवार्य होगा।

11— कॉलोनी की सड़के कम से कम 3 मीटर चौड़ी होगी तथा मुख्य सड़क से पहुँच मार्ग कम से कम 6 मीटर चौड़ी होगी।

12— कॉलोनी में पार्क आदि का निर्माण करना होगा।

13— कॉलोनी में वृक्षों की व्यवस्था कॉलोनी स्वीकृत कराने वालों की होगी।

14— सड़को को यथा सम्भव समकोण पर मिलाया जायेगा।

15— कॉलोनी में सभी सुविधायें विकसित करने तथा कोलोनाइजर द्वारा पुर्णतः प्रमाण-पत्र करने के पश्चात् ही कॉलोनी नगर पंचायत के प्रबन्धन में जायेगी।

16— नगर पंचायत के प्रबन्धन में आने के पश्चात् कॉलोनी में गृहकर/जलकर/अन्य कर प्राप्त करने का अधिकार नगर पंचायत का होगा तथा कॉलोनी में विभिन्न सुविधाओं एवं उनका रख-रखाव का दायित्व नगर पंचायत का होगा।

17— व्यवसायिक भवनों को अपने भवन में पार्किंग की व्यवस्था स्वयं करनी होगी।

4— पूर्व विकसित कॉलोनी को विनियमित करने हेतु दिशा-निर्देश व शर्तें— नगर पंचायत द्वारा ऐसी सभी कॉलोनियां जो की इसी उपविधि के लागू होने से पूर्व विकसित हो गयी हैं या निर्माणधीन है, उनको नगर पंचायत द्वारा नोटिस के माध्यम से विनियमित करने हेतु अवसर प्रदान किया जायेगा। नोटिस की अवधि 15 दिन की होगी। यदि ऐसी कॉलोनियों को इस उपविधि के लागू होने से पूर्व नोटिस निर्गत किया गया तो वह विधि मान्य होगा। ऐसी सभी कॉलोनियां जो की इस उपविधि के लागू होने से पूर्व विकसित हुई हों एवं इनको 5 वर्ष या इससे अधिक समय बीत गया हो तथा इसके अर्न्तगत आने वाले मकानों पर नगर पंचायत द्वारा कर अधिरोपित कर रखा हो तो ऐसी कॉलोनियों में सड़क, पानी, बिजली एवं साफ-सफाई की व्यवस्था करने के सम्बन्ध में नगर पंचायत बोर्ड द्वारा निर्णय लिया जा सकता है जो कि विधिमान्य होगा।

5— पूर्व कॉलोनियों को विनियमित करने की प्रक्रिया—

1— नगर पंचायत द्वारा ऐसी सभी कॉलोनियों को चिन्हित करते हुये सम्बन्धित कोलोनाइजर/व्यक्तियों को नोटिस निर्गत किया जायेगा, जिसमें उनसे अपेक्षा की जायेगी कि वह नगर पंचायत द्वारा निर्धारित शर्तों का अनुपालन करते हुये विधिवत रूप से दस्तावेजों सहित आवेदन नगर पंचायत कार्यालय में प्रस्तुत करें।

2— नगर पंचायत द्वारा दी गयी नोटिस की अवधि 15 दिन की होगी, जिसमें शर्तों का उल्लेख किया हुआ होगा।

3— यदि इस सम्बन्ध में पूर्व में नोटिस निर्गत किया गया हो तो वह भी विधिमान्य होगा।

4— नोटिस का अनुपालन करने में विफल रहने पर सम्बन्धित कोलोनाइजर/व्यक्तियों को नई कॉलोनियों को विनियमित करने हेतु अन्तिम अवसर देते हुये पुनः 7 दिन का नोटिस दिया जायेगा, यदि इसके पश्चात् भी कोलोनाइजर द्वारा नगर पंचायत द्वारा निर्धारित शर्तों का अनुपालन करते हुये उसको विनियमित नहीं कराया जाता है तो उक्त कॉलोनी को अवैध मानते हुये नगर पंचायत द्वारा ध्वस्त कराया जा सकता है तथा ध्वस्तीकरण का समस्त खर्च सम्बन्धित कोलोनाइजर/व्यक्ति से वसूला जायेगा।

5— इस उपविधि की किसी भी शर्त अथवा समस्त शर्तों को शिथिल करने का अधिकार अधिशासी अधिकारी में निहित होगा।

6— उ०प्र० राजस्व संहिता-2006 की धारा-80 अर्न्तगत उस क्षेत्र को अकृषिगत कराना अनिवार्य होगा।

7— नगर पंचायत द्वारा ऐसे सभी आवेदन जो की नगर पंचायत कार्यालय में स्वीकृति/अनुमति हेतु प्राप्त हुये हैं, उन पर 30 दिन के अन्दर निर्णय लेना होगा अन्यथा कोलोनाइजर द्वारा कार्य शुरू किया जा सकता है। प्रतिबन्ध यह है कि 30 दिन की यह अवधि तब लागू नहीं जब कोलोनाइजर से किसी कार्य को करने या दस्तावेजों को उपलब्ध कराने की अपेक्षा की गयी हो।

6— विशेष उपबन्ध— नगर पंचायत बोर्ड जनहित में इस उपविधि के पूर्व विकसित/निर्मित कॉलोनियों में सड़क, बिजली, पानी, साफ-सफाई जैसे बुनियादी देने हेतु निर्णय ले सकता है, यदि इस उपविधि के लागू होने से पूर्व नगर पंचायत द्वारा जनहित में ऐसी किसी भी कॉलोनी में निर्माण कार्य या अन्य कोई बुनियादी सुविधा दी गयी हो तो वह अवैध नहीं होगी, भले ही ऐसी कॉलोनियों को विकसित करने वाले कोलोनाइजर को नोटिस दिया गया हो।

7— आवेदन-पत्र के साथ संलग्न दस्तावेज—

- 1— स्वामित्व सम्बन्धी दस्तावेज,
- 2— शपथ-पत्र,
- 3— मानचित्र की प्रति,
- 4— शुल्क की प्रतिलिपि,
- 5— कॉलोनी हेतु भूमि किस-किस व्यक्ति से क्रय की गयी है, उनके नाम व पता।
- 6— अन्य कोई दस्तावेज जिसकी नगर पंचायत द्वारा मांग की जाये।

8— कोलोनाइजर हेतु की प्लान— कालोनी के विकास या पुर्नविकास की अनुज्ञा हेतु आवेदन-पत्र के साथ की-प्लान जिसमें उत्तर दिशा-सूचक और पैमाना (जो 1:10,000 से कम न हो) तथा उप-विभाजन हेतु प्रस्तावित भूमि की स्थिति को दर्शाया गया हो।

9— कोलोनाइजर हेतु साइट प्लान—

1— आवेदक के स्वामित्व की भूमि के सजरा संख्या या अन्य स्थानीय प्राविधानों सहित सीमावर्ती भूमि के विवरण दिये जायेंगे।

2— सीमावर्ती भूमि आवेदक के स्वामित्व में होने पर तथा पूर्व में उप-विभाजन स्वीकृत होने पर उसमें उपलब्ध सुविधाओं और प्रस्तावित स्थल हेतु विद्यमान पहुँच मार्गों का भी उल्लेख होगा।

3— प्रस्तावित उप-विभाजन में स्थल से मुख्य सड़क या मार्ग तक पहुँचने के स्थान की वर्तमान दूरी, सड़क का नाम एवं चौड़ाई के उल्लेख सहित दर्शाये जायेंगे।

4— समस्त विद्यमान संरचनाओं और फीचर्स की स्थिति जैसे हाईटेशन लाइन, आदि जाक स्थल की सीमा से 30 मीटर के भीतर ही, दर्शाई जायेगी।

10— उप-विभाजन तलपट मानचित्र— उप-विभाजन तलपट मानचित्र 10 हेक्टेयर तक के भू-खण्डों हेतु 1:500, 10 हेक्टेयर से 50 हेक्टेयर तक के भू-खण्डों हेतु 1:1000 तथा 50 हेक्टेयर से अधिक के भू-खण्डों हेतु 1:2000 के पैमाने पर होगा तथा उसमें निम्नलिखित विवरण दर्शाये जायेंगे।

1— पैमाना तथा उत्तर दिशा-सूचक।

2— स्थल के अन्दर समस्त प्रस्तावित एवं विद्यमान सड़कों की चौड़ाई।

3— सर्विसेज प्लान जिसमें नालियाँ, वाटर-सप्लाई नेटवर्क, सीवर, इलैक्ट्रिक लाइन्स, सामुदायिक सुविधायें एवं सेवायें, आदि एवं इनकी वाहय विद्यमान/प्रस्तावित सुविधाओं के साथ संयोजन की व्यवस्था दर्शायी गयी हो।

4— तालिका जिसमें उप-विभाजन तलपट मानचित्र के अन्तर्गत समस्त भू-खण्डों के आकार, क्षेत्रफल और उपयोग का विवरण दिया गया हो।

5— तालिका जिसमें स्थल का सम्पूर्ण क्षेत्र, सड़कें, खुले स्थान, विभिन्न उपयोगों के भू-खण्ड यथा आवासीय, व्यवसायिक, सामुदायिक सुविधायें तथा अन्य सार्वजनिक उपयोग (जो उप-विभाजन के प्रस्तावित हो), के सम्पूर्ण क्षेत्रफल का विवरण।

6— निर्मित क्षेत्र में स्थित भू-खण्डों हेतु प्रस्तावित उप-विभाजन की दशा में उपर्युक्त वर्णित विवरण के अतिरिक्त विद्यमान सड़क से पहुँच मार्ग की सुविधा भी दर्शाई जायेगी।

7— लैण्डस्केप प्लान (वृक्षारोपण सहित)

8— ग्राउन्ड वाटर के संरक्षण एवं रिचार्जिंग हेतु अधिशासी अधिकारी अथवा उसके द्वारा नियुक्त कर्मचारी द्वारा निम्न प्राविधान सुनिश्चित कराये जायेंगे—

1— 20 एकड़ से अधिक क्षेत्रफल की योजनाओं के ले-आउट प्लान्स में पार्क एवं खुले क्षेत्र के अन्तर्गत कुल योजना क्षेत्र की लगभग 5 प्रतिशत भूमि पर भू-जल की रिचार्जिंग हेतु जलाशय का निर्माण किया जाये, जिसका न्यूनतम क्षेत्रफल एक एकड़ होगा। जलाशय के निर्माण के पूर्व सम्बन्धित योजना के अन्तर्गत वर्षा जल के प्राकृतिक कैचमेन्ट एरिया को चिन्हित करते हुये जलाशय में वर्षा जल के सम्भावित ठहराव (रिटेंशन) व स्टेगनेशन का अध्ययन

कर उसके अनुसार ही जलाशय की गहराई निर्धारित की जाये, परन्तु जलाशय की गहराई किसी भी दशा में 03 मीटर से अधिक न रखी जाये।

2— पार्कों में पक्का निर्माण, पक्के पेवमेन्ट सहित 5 प्रतिशत से अधिक न किया जाये तथा वर्षा जल के अधिकतम भूमिगत रिसाव को पार्क एवं खुले क्षेत्रों में प्रोत्साहित किया जाये।

3— सड़को, पार्कों तथा खुले स्थान में ऐसे पेड़ पौधों का वृक्षारोपण किया जायेगा जिनको जल की न्यूनतम आवश्यकता हो तथा जो कम जल ग्रहण करके ग्रीष्म ऋतु में भी हरे भरे रह सकें।

11— विशिष्टियाँ— कोलोनाइजर द्वारा आवेदन-पत्र के साथ निम्नलिखित विशिष्टियाँ व विवरण प्रस्तुत किये जायेंगे।

1— प्रस्तावित समस्त विकास कार्यो यथा सड़कों और गलियों की सामान्य विशिष्टियाँ, उनके ढाल और पेविंग, नालियाँ (साइड ड्रेन), पेयजल आपूर्ति का प्रावधान, मल व कूड़ा निस्तारण का प्रबन्ध, मार्ग-प्रकाश, खेल के मैदान, पार्क और सामुदायिक उपयोग विकास के विवरण।

2— स्थल के समीप उपलब्ध वाह्य अवस्थापना सुविधायें यथा सीवेज निस्तारण स्थल, जल-निकासी व्यवस्था (नाला आदि), मुख्य सड़क, विद्युत-आपूर्ति व्यवस्था, जल हेतु स्रोत, इत्यादि।

12— विकास अनुज्ञा-पत्र की वैधता— एक बार दी गई अनुज्ञा अधिकतम 2 वर्षों के लिये वैध होगी।

उक्त अवधि में आवेदक द्वारा पूर्णता सम्बन्धी प्रमाण-पत्र नगर पंचायत से प्रक्रियानुसार प्राप्त किया जायेगा।

प्रार्थी के आवेदन पर उक्त अवधि में नगर पंचायत द्वारा निर्धारित शुल्क लेकर एक-एक वर्ष की अवधि हेतु अधिकतम 3 बार वृद्धि की जा सकती है।

13— विकास के समय विचलन— विकास के दौरान यदि स्वीकृत प्लान में कोई विचलन है या विचलन किया जाना अभिप्रेत है, तो प्रस्तावित विचलन निष्पादित करने के पूर्व नगर पंचायत से अनुज्ञा प्राप्त की जायेगी।

14— पूर्णता प्रमाण-पत्र— विकास कार्य पूर्ण हो जाने के पश्चात् अनुज्ञापित तकनीकी व्यक्ति निर्धारित प्रारूप में सूचना देगा और उसके साथ मानचित्र की प्रति/कम्प्यूटरीकृत ड्राइंग सी0डी0 में जमा करेगा, जिसके आधार पर नगर पंचायत द्वारा पूर्णता प्रमाण-पत्र जारी किया जायेगा।

15— लैण्डस्केप प्लान— अधिशासी अधिकारी द्वारा मानचित्र स्वीकृति के पूर्व लैण्डस्केप प्लान/वृक्षारोपण के निम्न प्रावधानों को सुनिश्चित किया जायेगा तथा पूर्णता पत्र जारी करने से पूर्व स्थल पर वृक्षारोपण की पुष्टि भी की जायेगी।

1— 6 मीटर तथा इससे अधिक परन्तु 12 मीटर से कम चौड़ी सड़कों के एक और तथा 12 मीटर चौड़ी सड़कों के दोनों ओर अधिकतम 10-10 मीटर की दूरी पर वृक्षारोपण किया जायेगा। अधिक चौड़ाई की सड़कों में डिवाइडर, फुटपाथ एवं ब्लैक टॉप के अलावा खाली छोड़ी जा रही समस्त भूमि पर वृक्षारोपण किया जायेगा।

2— बड़े प्रदूषणकारी उद्योग को आवासीय क्षेत्र से सघन वृक्षारोपण द्वारा पृथक किया जायेगा जो औद्योगिक क्षेत्रफल का 15 प्रतिशत होगा।

3— वाणिज्यिक योजना में कुल खुले स्थल के न्यूनतम 20 प्रतिशत भाग पर 'ग्रीनरी' होगी जहाँ प्रति हेक्टेयर न्यूनतम 50 पेड़ की दर से पेड़ लगाये जायेगा।

4— संस्थागत, सामुदायिक सुविधायें, क्रीडास्थल/खुले क्षेत्रों तथा पार्क के न्यूनतम 20 प्रतिशत भाग पर 'ग्रीनरी' होगी जहाँ न्यूनतम 125 पेड़ प्रति हेक्टेयर की दर से वृक्षारोपण किया जायेगा।

16— आवासीय भू-उपयोग— आवासीय भू-उपयोग के विकास में सड़कों एवं नालियों का नियोजन निम्नवत किया जायेगा—

200 मीटर तक लम्बे पहुँच मार्ग की न्यूनतम चौड़ाई 4 मीटर होगी, तथा 201-400 मीटर तक 6 मीटर, 401-600 मीटर तक 10 मीटर एवं 601-1000 मीटर तक 12 मीटर तथा 1000 मीटर से अधिक लम्बे मार्ग की न्यूनतम चौड़ाई 15 मीटर होगी।

17— अनावासीय भू-उपयोग— अनावासीय क्षेत्र यथा व्यवसायिक, कार्यालय एवं औद्योगिक भू-उपयोग में किसी भी सड़क की चौड़ाई 9 मीटर से कम नहीं होगी, जिसकी लम्बाई अधिकतम 200 मीटर होगी।

18— सड़कों के संगम—

1— यथा सम्भव सड़कें समकोण पर मिलाई जायेगी तथा क्रॉस जंक्शन पर समस्त सड़कों की मध्य रेखाओं का 'एलाइन्मेंट' एक सीध में होगा।

2— सड़कों के जंक्शन इन्डियन रोड कांग्रेस के मानकों के अनुसार होंगे।

19— सड़क की लम्बाई की गणना— सड़क की लम्बाई की गणना उस मार्ग से अधिक चौड़े मार्ग के मिलन बिन्दु से की जायेगी।

20— ड्रेनेज व्यवस्था— ड्रेनेज व्यवस्था हेतु नालियां सड़क का अभिन्न अंग होंगी तथा उनमें पर्याप्त ढाल होगा, ताकि जल की निकासी स्वतः हो सके।

21— बेसमेन्ट—

1— 200 वर्गमीटर तक के गैर-व्यवसायिक भवनों में बेसमेन्ट का निर्माण अनुमन्य नहीं होगा, जबकि 200 वर्गमीटर तक के व्यवसायिक भवनों में अनुमन्य भू-आच्छादन के अधिकतम 20 प्रतिशत क्षेत्रफल में बेसमेन्ट अनुमन्य होगा।

2— सड़क की चौड़ाई 12 मीटर से कम होने की दशा में व्यवसायिक भू-खण्डों में बेसमेन्ट का निर्माण अनुमन्य नहीं होगा।

22— सक्षम प्राधिकारी— इस उपविधि को लागू कराने हेतु अधिशासी अधिकारी अथवा उसके द्वारा अधिकृत व्यक्ति सक्षम प्राधिकारी होगा। इस उपविधि में प्रावधानित किसी भी शर्त अथवा प्रावधान को पूर्णतः अथवा आंशिक रूप से शिथिल करने का अधिकार अधिशासी अधिकारी/ नगर पंचायत बोर्ड में निहित होगा जो कि अन्तिम व बाध्यकारी होगा।

23— संशोधन— इस उपविधि में संशोधन नगर पंचायत बोर्ड के एक तिहायी सदस्यों के बहुमत से पारित प्रस्ताव अथवा अधिशासी अधिकारी की संस्तुति पर अपर जिलाधिकारी/प्रभारी अधिकारी स्थानीय निकाय के अनुमोदन के उपरान्त किया जा सकेगा।

24— निरसण— इस उपनियमावली के लागू होने के पश्चात् निकाय द्वारा इसके सम्बन्ध में पूर्व में जारी समस्त उपनियमावली एवं आदेश निष्प्रभावी माने जायेंगे।

25— शिथिलीकरण— इस उपविधि के किसी भी प्राविधान/शर्तों को शिथिल करने का अधिकार अधिशासी अधिकारी का होगा।

26— दण्ड— यदि कोई भी व्यक्ति इस उपविधि में दिये गये प्रावधानों/शर्तों का उलंघन करते हुये कॉलोनी का निर्माण करता है तो उसे अवैध माना जायेगा तथा नगर पंचायत द्वारा उस पर न्यूनतम 10,000/— रु0 का जुर्माना करते हुए ध्वस्त करने की कार्यवाही की जायेगी। ऐसे सभी अवैध कॉलोनियों को विनियमित करने का निर्णय शमन शुल्क के साथ नगर पंचायत बोर्ड/अधिशासी अधिकारी का होगा जो कि अन्तिम व बाध्यकारी होगा।

जितेन्द्र राणा,
अधिशासी अधिकारी,
नगर पंचायत जलालाबाद,
जनपद-शामली।

कार्यालय, नगर पंचायत तम्बौर अहमदाबाद, सीतापुर

दिनांक 19 दिसम्बर, 2024

पत्रांक 375/नं0पं0 तम्बौर-अथारिटी/2024-25-उ0प्र0 नगर पालिका अधिनियम 1916 की धारा-298 में प्रदत्त शक्तियों का प्रयोग करते हुए नगर पंचायत तम्बौर, अहमदाबाद अपनी बैठक दिनांक 14 अगस्त, 2023 के प्रस्ताव संख्या:- 5(3) द्वारा नगर पंचायत क्षेत्र की सीमा में “विविध कर (शुल्क) उपविधि नियमावली, 2024” प्रस्तावित करती है। उपरोक्त नियमावली की धारा-301 के अन्तर्गत प्रकाशन के पश्चात्, उसके किसी बिन्दु या सभी बिन्दुओं पर किसी व्यक्ति/समूह को आपत्ति हो या सुझाव हो तो अपनी लिखित आपत्ति/सुझाव नगर पंचायत तम्बौर, अहमदाबाद के कार्यालय में प्रकाशन तिथि के 15 दिन के अन्दर प्राप्त करा सकता है। नगर पंचायत तम्बौर, अहमदाबाद द्वारा बोर्ड बैठक दिनांक 27 जनवरी, 2024 प्रस्ताव संख्या:- 4 द्वारा प्रस्ताव सर्वसम्मति से स्वीकृत किया गया। तत्क्रम में दैनिक समाचार-पत्रों (हिन्दुस्तान व यूनाईटेड भारत) में क्रमशः 28 जून, 2024 व 29 जून, 2024 को प्रकाशन कराकर आपत्तियां व सुझाव आमंत्रित किया गया परन्तु निर्धारित समयावधि 15 दिन के अन्दर कोई भी आपत्ति एवं सुझाव प्राप्त नहीं हुआ। तदोपरान्त उपविधि को उसी रूप में स्वीकृति प्रदान की गयी है। निम्नवत उपविधि “विविधकर (शुल्क) उपविधि नियमावली, 2024” उ0प्र0 राजपत्र में प्रकाशन की तिथि से प्रभावी मानी जायेगी।

“विविधकर (शुल्क) उपविधि नियमावली, 2024”

शासनादेश सं0-2399/नौ-9-94-204(जनरल)/90 दिनांक 27 अक्टूबर, 1994 के अनुपालन में उ0प्र0 नगर पालिका अधिनियम, 1916 की धारा-298 जो नगर पंचायत, पर प्रवृत्त है, के अन्तर्गत नगर पंचायत तम्बौर, अहमदाबाद में विविधकर (शुल्क) उपविधि नियमावली, 2024 कहलायेगी, जिसका विवरण निम्नानुसार है :-

1. संक्षिप्त नाम, प्रसार एवं प्रारम्भ:-

- (1) यह उपविधि **विविधकर शुल्क) उपविधि नियमावली, 2024** कहलायेगी।
- (2) यह नगर पंचायत तम्बौर, कम अहमदाबाद की सीमा में प्रवृत्त होगी।
- (3) यह उपविधि उ0प्र0 राजपत्र में प्रकाशन होने के दिनांक से नगर पंचायत तम्बौर, अहमदाबाद में प्रवृत्त होगी।

2. परिभाषाएँ:-उपरोक्त नियमावली में विषय या प्रयोग में कोई शर्त प्रतिकूल न होने पर इस अधिनियम में उल्लिखित शब्द का अर्थ यह पढ़ा व समझा जाये -

- (1) "अध्यक्ष/प्रशासक" का तात्पर्य "नगर पंचायत तम्बौर, अहमदाबाद के अध्यक्ष/प्रशासक से है।
- (2) "अधिशाली अधिकारी" का तात्पर्य नगर पंचायत तम्बौर, अहमदाबाद के अधिशाली अधिकारी से है।
- (3) "प्रभारी अधिकारी" का तात्पर्य, नगर पंचायत तम्बौर, अहमदाबाद के प्रभारी अधिकारी से है।
- (4) "लाइसेंसिंग अधिकारी" का तात्पर्य, नगर पंचायत तम्बौर, अहमदाबाद के लाइसेंसिंग अधिकारी से है।
- (5) "अधिनियम" का तात्पर्य उ0प्र0 नगर पालिका अधिनियम 1916 से है।
- (6) "नगर पंचायत" का तात्पर्य नगर पंचायत तम्बौर, अहमदाबाद, सीतापुर से है।

3. उपनियम-

(1) इस उपनियम के अन्तर्गत कोई भी दुकानदार व अन्य व्यवसायी लाइसेंस प्राप्त किये बिना अपनी दुकान/व्यवसाय नहीं चला सकेगा एवं इस उपनियम के लागू होने के पूर्व चल रहे समस्त दुकान/व्यवसाय का लाइसेन्स दुकानदार/व्यवसायी को प्राप्त करना अनिवार्य होगा।

(2) इस उपनियम के अन्तर्गत प्राप्त लाइसेन्स की अवधि 03 वर्ष की होगी जो 01 अप्रैल, से लागू हो 31 मार्च, को समाप्त होगी।

(3) प्रत्येक दुकानदार/व्यवसायी को पंचायत द्वारा निर्धारित शुल्क की धनराशि को अदा करके लाइसेन्स प्राप्त करना अनिवार्य होगा।

(4) दुकानदार/व्यवसायी को लाइसेन्स प्राप्त करने के लिए अपेक्षित धनराशि कार्यालय, नगर पंचायत तम्बौर, अहमदाबाद में जमा कर अथवा पंचायत कार्यालय, द्वारा अधिकृत कर्मचारी को जमा करके रसीद प्राप्त कर सकता है।

(5) दुकानदार/व्यवसायी को सरकार द्वारा मान्यता प्राप्त बॉटों का मापों में प्रयोग करना अनिवार्य होगा।

(6) इस उपनियम के अन्तर्गत प्राप्त लाइसेन्स केन्द्र/राज्य सरकार/अन्य किसी विधिक संस्था द्वारा तालिका में उल्लिखित व्यवसायों के नियन्त्रण हेतु प्राप्त लाइसेन्स से भिन्न होगा।

(7) कोई ऐसा व्यक्ति जो किसी छुआ-छूत की बीमारी से ग्रस्त है, वह उल्लिखित तालिका में वर्णित व्यवसाय नहीं करेगा एवं ऐसे व्यक्ति को उल्लिखित व्यवसायों में सहायक अथवा नौकर भी रखने का अधिकार नहीं होगा।

(8) नगर पंचायत तम्बौर, अहमदाबाद के अध्यक्ष/प्रशासक/प्रभारी अधिकारी/अधिशाली अधिकारी/अधिकृत कर्मचारी किसी भी समय दुकान के लाइसेन्स का निरीक्षण कर सकते हैं और प्रत्येक दुकानदार/व्यवसायी लाइसेन्स दिखाने के लिए बाध्य होंगे तथा प्रत्येक दुकान के अन्दर आवश्यक स्थिति में प्रवेश के लिए अधिकृत होंगे।

(9) अध्यक्ष/अधिशाली अधिकारी, नगर पंचायत तम्बौर, अहमदाबाद के द्वारा लाइसेन्स निर्गत किया जायेगा।

(10) जो शुल्क इस तालिका में नहीं है उसे सम्बन्धित व्यवसाय के समकक्ष मानकर उसी के अनुरूप लाइसेंस शुल्क लिया जायेगा।

(11) इस उपनियम के प्रभावी होते ही पूर्व में प्रभावी फ़ैक्ट्री/दुकान/वाहन लाइसेन्स उपनियमावली की शुल्क की दरें स्वतः निरस्त हो जायेंगी।

(12) वाहन के लाइसेंस न बनाने अथवा चेकिंग में पकड़े जाने पर वाहन जमा कराकर इसे अधिकृत कर्मचारी रसीद दे देंगे तथा वाहन बन्द किये जा सकते हैं तत्पश्चात् 15 दिन में लाइसेन्स न बनवाने पर लाइसेंसिंग अधिकारी द्वारा उक्त वाहनों की सार्वजनिक नीलामी करायी जा सकती है।

(13) उपनियमों में संशोधन पंचायत बोर्ड किसी भी समय कर सकता है, एवं शर्तों के सम्बन्ध में आवश्यक निर्देश आवश्यकतानुसार किसी भी समय निर्गत किये जा सकते हैं।

(14) वित्तीय वर्ष के माह-जून तक प्रत्येक दुकानदार/व्यवसायी को लाइसेंस बनवाना अनिवार्य होगा अन्यथा उनसे प्रतिमाह रु० 100.00 विलम्ब शुल्क के रूप में वसूल किया जायेगा।

(15) दुकानदार/व्यवसायी द्वारा लाइसेंस शुल्क वर्तमान वित्तीय वर्ष के अन्दर जमा नहीं करने पर इसकी वसूली भू-राजस्व की भाँति करायी जायेगी।

(16) नगर पंचायत बोर्ड/शासनादेश के निर्णयानुसार लागू लाइसेंस शुल्क में आवश्यक वृद्धि की जा सकती है।

(17) दुकानदार/व्यवसायी अपना व्यवसाय/दुकान चाहे अपने निजी मकान/दुकान/खुली जमीन अथवा किराये के मकान/दुकान/खुली जमीन पर करता है, उसे अपने दुकान/व्यवसाय के अनुरूप लाइसेंस बनवाना अनिवार्य होगा।

(18) सक्षम अधिकारी को यह अधिकार होगा कि वह किसी भी लाइसेंस को किसी भी समय निरस्त कर सकता है अथवा उचित नहीं होने पर लाइसेंस देने से इन्कार करने का अधिकार होगा।

(19) व्यवसायिक लाइसेन्स प्राप्त करने हेतु अन्य आवंटन विभागों से एन०ओ०सी० इत्यादि प्राप्त करने की समस्त जिम्मेदारी आवेदक की होगी।

4. लाइसेंस शुल्क— शासनादेश सं० 541/नौ-9-99-23ज/97टी०सी० दिनांक 15 फरवरी, 1999 समहित सं० 1241/नौ-9-98-23ज/97 दिनांक 10 जून 1998 नगर पालिका अधिनियम, 1916 की धारा-298, के अन्तर्गत प्रदत्त अधिकारों का प्रयोग करते हुये लाइसेंस शुल्क (35 मद) अनुसूची दरें वसूली प्रभाव रहेगा।

वार्षिक दरें—

क्र० सं०	दुकान/व्यवसाय का नाम	लाइसेंस हेतु निर्धारित दरें प्रति वर्ष
1	2	3
		रु०
01	पॉच सितारा होटल	12,000.00
02	तीन सितारा होटल	9,000.00
03	होटल/लॉजिंग/गेस्ट हाऊस (10 शैय्या तक)	900.00
04	प्राइवेट नर्सिंग होम (20 बेड से ऊपर)	5,000.00
05	प्राइवेट नर्सिंग होम (20 बेड तक)	3,000.00
06	प्राइवेट प्रसूति गृह (20 बेड से ऊपर)	5,000.00

1	2	3
		रु०
07	प्राइवेट प्रसूति गृह (20 बेड तक)	3,000.00
08	प्राइवेट अस्पताल (बिना ऑपरेशन)	2,000.00
09	प्राइवेट अस्पताल (ऑपरेशन युक्त)	5,000.00
10	एक्स-रे क्लीनिक	2,000.00
11	पैथालॉजी सेन्टर	2,000.00
12	प्राइवेट क्लीनिक	1,000.00
13	ऑटो रिक्शा/ई-रिक्शा 07 सीटर तक	500.00
14	ऑटो रिक्शा/ई-रिक्शा 04 सीटर	250.00
15	ऑटो रिक्शा/ई-रिक्शा 02 सीटर	150.00
16	बस	1,500.00
17	मिनी बस	1,000.00
18	टैम्पो/जीप/टैक्सी आदि	500.00
19	तॉगा	30.00
20	रिक्शा किराये पर चालित	100.00
21	रिक्शा निजी चालित	50.00
22	रिक्शा चालक शुल्क	20.00
23	ठेला	75.00
24	हाथ ठेला	20.00
25	ट्रॉली मशीन चालित	500.00
26	अन्य चार पहिया व्यापारिक वाहन	750.00
27	धुलाई गृह लॉण्ड्री	500.00
28	ड्राई क्लीनर लॉण्ड्री	1,000.00
29	फाइनेन्स कम्पनी	10,000.00
30	इश्योरंस कम्पनी	15,000.00
31	फाउण्डिंग इण्डस्ट्रीज	500.00
32	पशु स्लाटर हाउस (प्रति पशु)	50.00
33	हड्डी/खाल/बाल गोदाम	1,000.00
34	पशु पालन (प्रति पशु)	10.00
35	कांजी हाउस में बन्द जानवरों पर जुर्माना	500.00
	(क) प्रतिदिन खुराकी बड़े जानवर	100.00
	(ख) प्रतिदिन खुराकी छोटे जानवर	50.00

5. जलमूल्य वसूली—

(1) उत्तर प्रदेश सरकार के शासनादेश सं0 1010-19-2-96(2)-96 दिनांक 08 जनवरी, 1997 के द्वारा नगर पालिका अधिनियम, 1916 की धारा 298 के अंतर्गत की निम्नवत् दरे प्रस्तावित है—

क्रमांक	घरेलू संसोधित दरें (रु0 प्रतिमाह) वर्तमान
1	2
1	रु0 50.00
	व्यावसायिक संसोधित दरें (रु0 प्रतिमाह) वर्तमान
2	रु0 100.00

(2) नगर पंचायत के अन्तर्गत ऐसे भवन स्वामियों के घरेलू समरसेविल पानी का उपयोग करते हैं का वार्षिक शुल्क रु0 1,000.00 देय होगा।

(3) ऐसे भवन स्वामी जो व्यावसायिक समरसेविल का प्रयोग करते हैं वार्षिक मूल्य रु0 2,000.00 देय होगा।

(4) वसूली अवधि 01 अप्रैल से 31 मार्च होगी।

(5) नगर पंचायत वार्षिक बिल वितरण कराकर वसूली करायेगी।

(6) नगर पंचायत समुचित अभिलेखों को प्रत्येक वित्तीय वर्षवार अनुरक्षित रखेगी, जिसमें डिमाण्ड रजिस्टर को तैयार कराना तथा निर्धारित समय में बिल तैयार कर वितरित करना।

6. शो टैक्स—नगर पंचायत तम्बौर, सीमान्तर्गत मनोरंजन के माध्यम से फिल्म प्रदर्शित किया जाता है तो ऐसे स्वामियों से रु0 50.00 प्रति शो की दर से वसूला जायेगा।

7. विज्ञापन शुल्क—सचिव, उत्तर प्रदेश, नगर विकास अनुभाग-9 शासनादेश सं0 618/नौ-9-2012-277ज/2011 दिनांक 05 अप्रैल, 2012 के द्वारा विज्ञापन/प्रचार के सम्बन्ध में दिशा निर्देश—

(1) विज्ञापन या विज्ञापन पट के लिये ऐसे स्थल चिन्हित किये जायेंगे जो प्रत्येक दृष्टि से निरापद, निर्वाद, गमनागम और सुगम यातायात के लिये सर्वथा उपयुक्त हो।

(2) विज्ञापन पटों की सुदृढ़ता प्रत्येक दशा में सुनिश्चित की जाये ताकि कोई दुर्घटना न होने पाये।

(3) विज्ञापन को वृक्षों, बल्लियों, बॉस या लकड़ियों से बांधा नहीं जायेगा। उस बात पर विशेष ध्यान दिया जाये कि विज्ञापन से आस-पास के कलात्मक सौन्दर्य नष्ट न हो और लोक सम्पत्ति किसी भी प्रकार से विरूपित न हो।

(4) विज्ञापन कर रु0 6.00 प्रति वर्गफुट प्रतिमाह देय है।

(5) कोई भी विज्ञापन या विज्ञापन पट किसी भी दशा में जनहित और निकाय के प्रतिकूल नहीं होने चाहिये और उसमें सम्प्रदर्शित विज्ञापन किसी भी प्रकार से अशिष्ट, अश्लील, स्वास्थ्य के लिये हानिकारक अथवा आपत्तिजनक प्रवृत्ति के नहीं होने चाहिये।

8. ट्रांसफार्मर सबस्टेशन पर शुल्क—

(1) पंचायत सीमा में अधिष्ठापित बिजली के ट्रांसफार्मर 250 के०वी०ए० क्षमता तक शुल्क रु० 5,000/— एवं 400 के०वी०ए० क्षमता तक शुल्क रु० 10,000/—वार्षिक प्रति ट्रांसफार्मर, 400 के०वी० की अधिक की क्षमता के लिये— रु० 25,000/— वार्षिक।

(2) पंचायत सीमा में अधिष्ठापित बिजली के पावर हाउस/सब स्टेशन पर शुल्क रु० 50,000.00 वार्षिक।

9. नगर पंचायत दुकान एवं बारातघर पर किराया शुल्क—

(1) नगर पंचायत दुकान एवं सम्पत्तियों को भली-भाँति रख-रखाव करने हेतु प्रत्येक तीन वर्ष में 10 प्रतिशत किराये में वृद्धि करेगी।

(2) ऐसे किरायेदारों द्वारा अनुबन्ध-पत्र उल्लंघन करने पर नगर पंचायत द्वारा बेदखल नोटिस जारी कर पुनः नीलामी की कार्यवाही कर दी जायेगी।

(3) दुकान का किराया— रु० 2,000/—प्रतिमाह

10. अनापत्ति प्रमाण-पत्र शुल्क प्रति वर्ष:—

	रु०
(1) मछली फुटकर बिक्री	500.00
(2) मछली थोक बिक्री	1,000.00
(3) फल फुटकर बिक्री	500.00
(4) फल थोक बिक्री	2,000.00
(5) सब्जी फुटकर बिक्री	500.00
(6) सब्जी थोक बिक्री	2,000.00
(7) अण्डा फुटकर बिक्री	रु० 500.00
(8) अण्डा थोक बिक्री	रु० 2,000.00
(9) मुर्गा, बकरा, भैंस—भैंसा बिक्री	रु० 2,000.00

11. विविधकर (शुल्क) की दरें:—

(1) प्रमाण-पत्र शुल्क रु० 100.00 (सौ रु० मात्र) प्रति प्रमाण-पत्र।

(2) पानी टैंकर का किराया (नगर पंचायत सीमा में वैवाहिक कार्य/सामाजिक कार्य हेतु) रु० 500.00 पांच सौ मात्र प्रति टैंकर एवं नगर पंचायत सीमा में निर्माण कार्य हेतु 1,000.00 रु० एक हजार मात्र प्रति टैंकर प्रतिदिन।

(3) पानी टैंकर का किराया (नगर पंचायत सीमा के बाहर 20 कि०मी० अधिकतम में वैवाहिक कार्य/सामाजिक कार्य हेतु) 1,500.00 रु० एक हजार पांच सौ मात्र प्रति टैंकर एवं नगर पंचायत सीमा के बाहर 20 कि०मी० अधिकतम में निर्माण कार्य हेतु 2,500.00 रु० दो हजार पाँच सौ मात्र प्रति टैंकर प्रतिदिन।

(4) सीवरेज टैंकर उपयोग शुल्क (नगर पंचायत सीमान्तर्गत) रु० 1,000.00 प्रति चक्कर/प्रति टैंकर एवं नगर पंचायत सीमा के बाहर 20 कि०मी० अधिकतम में शुल्क रु० 3,000.00 प्रति चक्कर/प्रति टैंकर।

(5) पंचायत सीमा में स्थित पेट्रोल पम्प पर व्यावसायिक शुल्क रु० 3,000.00 (तीन हजार मात्र) वार्षिक।

(6) पंचायत सीमा में स्थित कोचिंग संस्थानों पर व्यावसायिक शुल्क रु० 2,400.00 (दो हजार चार सौ रु० मात्र) वार्षिक।

(7) पंचायत सीमा में व्यवसाय करने वाले गेस्ट हाउस/अतिथि गृह पर व्यावसायिक शुल्क रु० 10,000.00 (दस हजार मात्र) वार्षिक।

(8) पंचायत सीमा में व्यवसाय करने वाले रेस्टोरेन्ट/ढाबा पर व्यावसायिक शुल्क रु० 5,000.00 (पाँच हजार मात्र) वार्षिक।

(9) पंचायत सीमा में स्थित आटा चक्की/पालेशर मशीन/तेल पिराई मशीन/रुई धुनाई मशीन पर व्यावसायिक शुल्क रु० 1500.00 (रु० एक हजार पांच सौ) वार्षिक।

(10) गाय/भैंस/सुअर इत्यादि सभी प्रकार के पालतू जानवरों को खुला छोड़ने पर पकड़े जाने पर शुल्क रु० 500.00 प्रति प्रकरण/प्रति दिन।

(11) पंचायत सीमा में निर्मित होने वाले सार्वजनिक शौचालयों के मूत्रालय प्रयोक्ता प्रति व्यक्ति से शुल्क रु० 5.00 एवं शौचालय प्रयोक्ता प्रति व्यक्ति से शुल्क रु० 10.00 लिया जायेगा।

(12) पंचायत सीमा में स्थित नाली/नाला/सड़क/अन्य सार्वजनिक सम्पत्ति पर अवैध कब्जा पाये जाने पर पेनाल्टी शुल्क रु० 1,000.00 प्रति प्रकरण तथा पुनरावृत्ति करने पर रु० 5,000.00 प्रति प्रकरण।

(13) पंचायत सीमा में स्थित व व्यवसाय करने वाले छोटे दुकानदारों (200 वर्ग फिट क्षेत्रफल या उससे कम कवर्ड एरिया) से व्यावसायिक शुल्क रु० 600.00 वार्षिक तथा बड़े दुकानदारों (200 वर्ग फिट क्षेत्रफल या उससे अधिक कवर्ड एरिया) से व्यावसायिक शुल्क रु० 1,200.00 वार्षिक।

(14) छोटी बाउण्ड्री युक्त भू-खण्ड या मकानों के मध्य खाली भू-खण्ड पर पड़ोसियों के द्वारा कूड़ा करकट फेंकने को दृष्टिगत रखते हुये उनके द्वारा अपने खाली भू-खण्डों एवं छोटी बाउण्ड्रीवाल पर न्यूनतम दो मीटर ऊँची बाउण्ड्रीवाल निर्मित न कराने पर पेनाल्टी शुल्क प्रति प्रकरण रु० 2,500.00 (रु० दो हजार पाँच सौ) मात्र।

(15) नगर पंचायत सीमा में स्थित राइस,गन्ना मिल पर व्यावसायिक शुल्क रु० 10,000.00 वार्षिक।

(16) नगर पंचायत सीमा में आइस फैक्ट्री पर व्यावसायिक शुल्क रु० 5,000.00 (पाँच हजार) वार्षिक।

(17) नगर पंचायत सीमा में संचालित आरा मशीन, पिलिंग मशीन पर व्यावसायिक शुल्क 10,000.00 (दस हजार) वार्षिक।

(18) नगर पंचायत सीमा में संचालित प्लाईवुड फैक्ट्री पर व्यावसायिक शुल्क 20,000.00 (बीस हजार) वार्षिक।

- (19) नगर पंचायत सीमा में स्थित डेरी, प्रेशर मशीन (गाड़ी धुलाई केन्द्र) पर व्यावसायिक शुल्क रू0 2,000.00 (दो हजार) वार्षिक।
- (20) नगर पंचायत सीमा में स्थित आर0ओ0 प्लांट/निजी जलापूर्ति प्रणाली पर व्यावसायिक शुल्क रू0 2,000.00 (दो हजार) वार्षिक।
- (21) नगर पंचायत सीमा में स्थित मोटर साइकिल एजेन्सी, ट्रैक्टर एजेन्सी पर व्यावसायिक शुल्क 3,000.00 (तीन हजार) वार्षिक।
- (22) नगर पंचायत जे0सी0बी0 किराया रू0 1,500.00 (एक हजार पाँच सौ) रू0 प्रति घंटा नगर पंचायत सीमान्तर्गत तथा आने जाने का समय सहित।
- (23) मोबाइल टायलेट किराया रू0 1,000.00 प्रति दिन/प्रति बुकिंग।
- (24) नगर पंचायत सीमान्तर्गत संचालित ईट भट्टों पर लाइसेंस शुल्क 10,000.00 (रू0 दस हजार) वार्षिक शुल्क।
- (25) नगर पंचायत सीमा में गल्ला/अनाज की आदृत व्यावसायिक शुल्क रू0 2,000.00 (दो हजार) वार्षिक।
- (26) नगर पंचायत सीमा में स्थित समस्त बैंकों पर व्यावसायिक शुल्क 5,000.00 (पांच हजार) वार्षिक प्रति शाखा।
- (27) नगर पंचायत सीमा में जल कनेक्शन के उद्देश्य से रोड कटिंग चार्ज रू0 2,000.00 (दो हजार) रुपया प्रति कनेक्शन।
- (28) नगर पंचायत सीमा में जल कनेक्शन हेतु जमानत धनराशि रू0 500.00 (पाँच सौ) रुपया प्रति कनेक्शन।
- (29) नगर पंचायत सीमान्तर्गत समस्त विकास कार्य सम्बन्धी ठेकेदार पंजीकरण शुल्क रू0 15,000.00 (रू0 पन्द्रह हजार) मात्र वार्षिक, वित्तीय वर्ष के प्रथम मास तक। तदोपरान्त 1,000.00 (एक हजार) मासिक विलम्ब शुल्क के साथ।
- (30) ठेकेदार नवीनीकरण शुल्क रू0 5,000.00 (रू0 पांच हजार) मात्र वार्षिक, वित्तीय वर्ष के प्रथम मास तक। सिव्योरिटी हेतु एफ0डी0आर0 2,5000.00/— रुपया के साथ।
- (31) शटरिंग/तख्ता बल्ली को किराये पर उठाने के व्यवसाय पर रू0 3,000.00 वार्षिक (रू0 तीन हजार) मात्र।
- (32) देशी शराब व्यावसायिक शुल्क प्रति दुकान रू0 5,000.00 (रू0 पांच हजार) वार्षिक।
- (33) विदेशी शराब व्यावसायिक शुल्क प्रति दुकान रू0 10,000.00 (रू0 दस हजार) वार्षिक।
- (34) बार/बियर दुकान पर व्यावसायिक शुल्क प्रति दुकान रू0 10,000.00 (रू0 दस हजार) वार्षिक।
- (35) माडल शाप व्यावसायिक शुल्क प्रति दुकान रू0 15,000.00 (रू0 पन्द्रह हजार) वार्षिक।
- (36) समस्त प्रकार की भवन निर्माण सामग्री सीमेंट/सरिया/मौरंग इत्यादि विक्रेता व्यावसायिक शुल्क रू0 5,000.00 (पांच हजार) वार्षिक।
- (37) मा0 राष्ट्रीय हरित न्यायाधिकरण के आदेशों के क्रम में एनजीटी एक्ट 2010 की धारा-15/16 के अन्तर्गत नगर क्षेत्र में खुले में कूड़ा जलाने पर अर्थदण्ड प्रति प्रकरण रू0 5,000.00 (पांच हजार) मात्र एवं सड़क के किनारे भवन निर्माण सामग्री एकत्रित करने/मलबा रखे जाने पर रू0 10,000.00 (दस हजार) मात्र अर्थदण्ड।

दण्ड

उ0प्र0 नगर पालिका अधिनियम, 1916 की धारा-299(1) के अधीन अधिकारों का प्रयोग करते हुये निर्देश दिया जाता है कि कोई व्यक्ति उपरोक्त नियमों के किसी भी धारा का उल्लंघन करेगा या करने में प्रोत्साहित करेगा उस व्यक्ति पर अर्थदण्ड लगाया जायेगा जो इस उपनियम में दिये गये निर्धारित शुल्क के दो गुना से दस गुना तक हो सकता है। यदि अपराध निरन्तर जारी रहेगा तो अतिरिक्त दण्ड लगाया जायेगा, जो प्रथम दोष सिद्ध होने की तिथि से या प्रमाणित हो जाने पर की अपराधी ने निरन्तर अपराध जारी रखा है तो 25 (पच्चीस रुपये) प्रतिदिन तक हो सकता है एवं जुर्माना के साथ-साथ तीन मास का कारावास तक का दण्ड सक्षम न्यायालय से दिया जा सकता है।

तय्यबुन,
अध्यक्ष,
नगर पंचायत तम्बौर अहमदाबाद,
सीतापुर।

कार्यालय, नगर पंचायत तम्बौर अहमदाबाद, सीतापुर

उ0प्र0 नगर पालिका अधिनियम, 1916 (अधिनियम संख्या-2, 1916) की धारा-298 (2) के उपखण्ड -(क) क, ख, ग, घ, ङ. के अधीन प्रदत्त शक्तियों का प्रयोग कर नगर पंचायत, तम्बौर जनपद-सीतापुर की बैठक दिनांक 14.08.2023 के संकल्प संख्या-5(3) के अन्तर्गत अपनी सीमा के अन्तर्गत भवन निर्माण उपविधि बनाई है। उपविधियों का प्रारूप उक्त एक्ट की धारा-301(1) की यथा अपेक्षा अनुसार सभी नगर निवासियों को आपत्ति एवं सुझाव आमंत्रित किये जाने के उद्देश्य से 15 दिवस के लिये प्रकाशित किया जाता है। नगर पंचायत तम्बौर, अहमदाबाद द्वारा बोर्ड बैठक दिनांक 27.01.2024 प्रस्ताव संख्या:- 4 द्वारा प्रस्ताव सर्वसम्मति से स्वीकृत किया गया। तत्कम में दैनिक समाचार-पत्रों (हिन्दुस्तान व यूनाईटेड भारत) में क्रमशः 28 जून, 2024 व 29 जून, 2024 को प्रकाशन कराकर आपत्तियां व सुझाव आमंत्रित किया गया परन्तु निर्धारित समयावधि 15 दिन के अन्दर कोई भी आपत्ति एवं सुझाव प्राप्त नहीं हुआ। तदोपरान्त उपविधि को उसी रूप में स्वीकृति प्रदान की गयी है।

भवन निर्माण उपविधि-2024:-

1- **शीर्षक**- यह उपविधि नगर पंचायत तम्बौर कम अहमदाबाद भवन निर्माण उपविधि वर्ष-2024 कहलायेगी।

2- **प्रकृति**- यह उपविधि उत्तर प्रदेश साधारण गजट में प्रकाशित होने के दिनांक से नगर पंचायत तम्बौर, जनपद- सीतापुर में प्रभावी रहेगी।

3- **परिभाषायें**- जब तक विषय या प्रसंग से कोई बात प्रतिकूल न हो इस उपविधियों में:-

1-“अधिनियम” का तात्पर्य उ0प्र0 नगर पालिका अधिनियम, संख्या-2, 1916 से है।

2-“अधिशाली अधिकारी” का तात्पर्य नगर पंचायत तम्बौर, जनपद-सीतापुर के अधिशाली अधिकारी से है।

3-“बोर्ड/समिति” का तात्पर्य नगर पंचायत तम्बौर, जनपद-सीतापुर के बोर्ड/समिति से है।

4-“अध्यक्ष” का तात्पर्य नगर पंचायत तम्बौर, जनपद-सीतापुर के अध्यक्ष/प्रशासक से है।

5—“नगर पंचायत” का तात्पर्य नगर पंचायत तम्बौर, जनपद-सीतापुर से है।

6—“नगर पंचायत की सीमाओं” का तात्पर्य वर्तमान में निर्धारित सीमाओं या भविष्य में बढ़ाने से निर्धारित होकर प्रभावी होने वाली सीमा से है।

4— नोटिस— यदि कोई व्यक्ति जो नगर पंचायत तम्बौर, जनपद-सीतापुर की सीमा के अन्तर्गत किसी भवन अथवा भू-खण्ड का स्वामी है और किराये पर देने और विक्रय करने अथवा पट्टे पर देने का हक रखता है और उस पर निर्माण या परिवर्तन करना चाहता है तो वह उक्त एक्ट की धारा-178 के अन्तर्गत नगर पंचायत को निर्धारित प्रारूप में नोटिस देगा।

नोटिस के साथ निम्नलिखित विवरण व मानचित्र संलग्न करना होगा:—

(क)— स्थल का मानचित्र— अनुज्ञा के प्रार्थना-पत्र के साथ प्रेषित मानचित्र एक मीटर बराबर एक सेंटीमीटर के पैमाने से कम नहीं खींचा जायेगा तथा उसमें निम्नलिखित विवरण प्रदर्शित होंगे।

1— स्थल की सीमायें और उनकी माप तथा समीपवर्ती भूमि, जो उनके स्वामी की हो।

2— स्थल का नजरी नक्शा (की प्लान) तथा भू-विन्यास या भू-खण्डों का विभाजन।

3— समीपवर्ती सड़कों की स्थिति तथा सड़क/सड़कों के नाम जिन पर भवन स्थित हैं।

4— भूमि का स्वामित्व प्रमाण-पत्र।

5— विद्यमान सड़क से भवन तक तथा सभी भवनों तक जो प्रार्थी सीमावर्ती भूमि पर बनाना चाहता है, पहुंचने (यदि कोई हो) का मार्ग।

6— स्थल का क्षेत्रफल, कुर्सी का क्षेत्रफल, प्रत्येक फर्स का क्षेत्रफल।

7— प्रस्तावित भवन का विस्तृत मानचित्र जिसमें भवन सम्बन्धी समस्त विवरण अंकित हों।

8— यदि किसी बड़े भू-खण्ड पर कई आवासीय भवन पृथक-पृथक परिवार के लिये बनाये जाने हो तो सभी व्यक्तियों के आने जाने हेतु अपनी भूमि से सार्वजनिक सड़क के रूप में जगह छोड़ी जायेगी, जिसे विकसित करना होगा।

(ख)— भवनों का मानचित्र— भवन के अगले भाग तथा खण्ड के विस्तृत मानचित्र जो नोटिस के साथ संलग्न हों, एक मीटर बराबर एक सेंटीमीटर के माप के खींचे होने चाहिये और उनमें विभिन्न रंगों में दिखलाया जाना चाहिये। मानचित्र में निम्नलिखित विवरण सम्मिलित होंगे।

1—प्रति एक मंजिल का मानचित्र, प्रत्येक तल के आच्छादित भाग का विवरण, सभी कमरों, खिड़कियों, रोशनदानों, खुलने वाले दरवाजों, सीढ़ियों आदि को ठीक स्थिति तथा आकार।

2— नालियों, गटरों, जल निकासी, बिजली लाईन तथा अन्य जन प्रयोग की चीजों की स्थिति।

3— शौचकूप, स्नानागार, नाबदान जैसे सेवाओं की वास्तविक स्थिति।

4— मानचित्र में नवीन निर्माण, जिसके लिये प्रार्थना-पत्र प्रेषित किया जायेगा, लाल रंग तथा पुराना भवन नीले रंग से दिखाया जायेगा।

5—भू-खण्ड के क्षेत्रफल के आधार पर सेट बैक भवन का फ्रन्ट एलीवेशन, की प्लान, साइट प्लान, तलपट्ट मानचित्र, सर्विसेज प्लान आदि का विवरण।

6— मानचित्र में वाहन (दो पहिया/चार पहिया) जो हो खड़े करने का स्थान दर्शाना होगा।

7— मान्यता प्राप्त ड्राफ्टमैन/वास्तुविद् द्वारा निर्मित मानचित्र ही स्वीकार किये जायेंगे।

8— उत्तर रेखा तथा प्रयुक्त पैमाना।

(ग) अन्य विवरण नोटिस के साथ निम्नलिखित विवरण रहेंगे:—

1—भवन का उद्देश्य।

2—स्वयं रहने के लिये।

3—व्यवसाय व्यापार से सम्बन्धित।

4—उद्योग धन्धों के लिये।

5—रहने या दुकान के लिये, प्रार्थना-पत्र में दर्शाया जायेगा।

5—प्लान— इस प्रकार के नोटिस के साथ जो कि किसी भवन/भू-खण्ड के निर्माण, पुनः निर्माण अथवा परिवर्तन से सम्बन्धित है मानचित्र और विवरण दो प्रतियों में संलग्न करेगा। मानचित्र ट्रेसिंग क्लार्क एवं ब्लू प्रिंट में होगा तथा भवन मानचित्र शुल्क जमा की रसीद संलग्न करेगा।

6— मानचित्र अस्वीकृत होने की दशा में जमा शुल्क का 25 प्रतिशत धनराशि स्टेशनरी शुल्क के रूप में रोक ली जायेगी तथा शेष 75 प्रतिशत धनराशि वापस कर दी जायेगी।

7— शुल्क उपनियम-4 में दर्शाया गया मानचित्र पर निम्न शुल्क अदा करना होगा :—

क्र०	भवन/भूखण्ड का प्रकार	भूतल प्रति वर्ग फिट(रु०)	अतिरिक्त तल प्रति वर्ग फिट (रु०)
1	2	3	4
			रु०
1	निवासीय भवन (कवर्ड एरिया)	10.00	05.00
2	निवासीय भवन (ओपन एरिया)	06.00	03.00
3	व्यवसायिक भवन दुकान (कवर्ड एरिया)	20.00	10.00
4	व्यवसायिक भवन दुकान (ओपन एरिया)	15.00	08.00
5	वर्कशाप, फैक्ट्री, कारखाना आदि (कवर्ड एरिया)	30.00	15.00
6	वर्कशाप, फैक्ट्री, कारखाना आदि (ओपन एरिया)	20.00	10.00
7	भूखण्ड/प्लॉटिंग एरिया	05.00	00.00
8.	मानचित्र स्वीकृत करने का न्यूनतम शुल्क रु० 5,000.00 या उपर्युक्त दरों के आधार पर जो अधिकतम होगा देय होगा।		
9	प्लॉटिंग एरिया के आवासीय क्षेत्रफल पर ही शुल्क देय होगा।		

1— प्रतिबन्ध यह है कि मुख्य भवन का कवर्ड एरिया एवं ओपन एरिया पर निर्धारित शुल्क होगा।

2— नगर पालिका अधिनियम, 1916 की धारा-181 के अन्तर्गत यह स्वीकृति एक वर्ष के लिए मान्य होगी।

3— सार्वजनिक मार्ग पर किसी भी प्रकार का प्रोजेक्शन स्वीकृत नहीं किया जायेगा।

5— भूतल पर सड़क की ओर रहने वाले दरवाजे (किवाड) भीतर की ओर खुलेंगे।

6— यदि प्रस्तावित निर्माण सार्वजनिक सड़क के सामने किया जाता है तो सड़क की पटरी से 1.20 मीटर चौड़ा रास्ता छोड़ कर निर्माण की स्वीकृति दी जायेगी।

7— धार्मिक स्थल मंदिर, मस्जिद, चर्च, गुरुद्वारा इसी प्रकार अन्य धार्मिक स्थलों की स्वीकृति शासन की अनुमति के उपरान्त तथा धार्मिक स्थल के बीच से 7.50 मीटर से कम की दूरी न हो तथा प्रस्तावित धार्मिक स्थल किसी अन्य धार्मिक स्थल से 100 मीटर की दूरी पर न हो।

8— विद्युत लाईन का विस्तार/परिवर्तन विद्युत विभाग की अनुमति के उपरान्त ही होगा।

9— 200 वर्गमीटर से अधिक क्षेत्रफल में बनने वाले घरों या व्यवसायिक प्रतिष्ठान आदि का मानचित्र वर्षा जल प्रबन्धन की व्यवस्था मानचित्र पर प्रदर्शित करना अनिवार्य होगा।

10— किसी भी व्यवसायिक प्रतिष्ठान के निर्माण हेतु पार्किंग की व्यवस्था करना अनिवार्य होगा।

8—शौचालय एवं गन्दे पानी का निकास— ऐसे व्यक्ति जो भवन का निर्माण ऐसे स्थान पर करेगा जो की सार्वजनिक नाली से 30 मीटर के भीतर होगा, तो उसे अपने भवन के पानी की नाली को सार्वजनिक नाली तक स्वयं मिलाना होगा।

9— भवन में फ्लश/लैट्रिंग लगाना अनिवार्य होगा बिना फ्लश/लैट्रिंग के मानचित्र की स्वीकृति प्रदान नहीं की जायेगी।

10— नालियाँ— भवन की नालियाँ सीमेन्ट कंक्रीट द्वारा मजबूत व पक्की नालियाँ बनायी जायेगी तथा सार्वजनिक नालियों से इसका जुड़ा होना भवन स्वामियों के लिए आवश्यक होगा तथा बारिश के पानी को छतों से उतारने हेतु पाईप लगाने होंगे।

11— पिलिन्थ (कुर्सी)— भवन का पिलिन्थ भवन के सामने की सड़क से कम से कम 0.50 मीटर ऊँचा रखना होगा।

12— भवन की ऊँचाई— भूतल से फर्श छत पर ऊँचाई 3.60 मीटर तथा ऊपर के अन्य तलों पर कम से कम 3.00 मीटर रखनी होगी।

13—(क)— भवन की किनारे व्यक्तियों के रहने के कमरों का क्षेत्रफल कम से कम 7.20 वर्गमीटर होगा तथा कमरे की चौड़ाई कम से कम 2.40 मीटर रखी जायेगी।

(ख)— कमरे में समुचित जंगलों और वेन्टीनेशनों की व्यवस्था करनी होगी जो कि खुले स्थान में होंगे तथा इनका क्षेत्रफल कमरे के क्षेत्रफल से 01/01 से कम नहीं होगा।

(ग)— जंगले इस प्रकार बनाये जायेंगे कि इनको पूरा खोला जा सके।

(घ)— जीना— बहु मंजिले भवनों के हवादार जीने का निर्माण आवश्यक होगा।

14—किसी ऐसे भूखण्ड पर निवासीय भवन निर्माण की स्वीकृति नहीं दी जायेगी, जिसकी चौड़ाई 2.50 मीटर तथा लम्बाई (गहराई) 5.00 मीटर से कम होगी।

15— जानवरों का बाड़े की फर्श पक्की तथा ढालदार बनाना होगा।

16— जब सक्षम अधिकारी यह निश्चित कर लेगा कि प्रस्तावित भवन इस उपविधि से सम्बन्धित सभी शर्तों को पूरा करता है तो वह मानचित्र को स्वीकृति प्रदान करेगा।

17— निकाय/बोर्ड उ0प्र0 नगर पालिका अधिनियम, 1916 की धारा-186 के अन्तर्गत किसी निर्माण कार्य निर्माण कार्य को रोकने तथा निर्मित भवन को गिरा देने का अधिकार होगा जब भवन स्वामी या अभ्यासी को किसी भवन या भवन के नाम के निर्माण, पुनःनिर्माण या परिवर्तन अथवा विस्तार किसी ऐसे दशा में जहाँ निकाय/बोर्ड का यह विचार हो कि इस प्रकार का निर्माण, पुनःनिर्माण, परिवर्तन या विस्तार धारा-185 के अधीन कोई अपराध है, तो भवन स्वामी को लिखित नोटिस देकर रोकने का निर्देश दे सकता है और इसी प्रकार यथास्थिति ऐसे भवन या भवन के भाग में परिवर्तन करने या उसे गिरा देने का जिसे वह आवश्यक समझे, निर्देश दे सकता है।

शास्ति

उ0प्र0 नगर पालिका अधिनियम, 1916 (अधिनियम-2, 1916 की धारा-299(1) द्वारा प्रदत्त अधिकारों का प्रयोग करके नगर पंचायत तम्बौर जनपद सीतापुर यह निर्देश देती है कि उपरोक्त उपविधियों के किसी अनुच्छेद का उल्लंघन करने पर अर्थदण्ड किया जायेगा। जो रु0 1,000/—(एक हजार रुपये मात्र) तक हो सकता है। यदि उल्लंघन निरन्तर चला आ रहा हो तो रु0 25/—(पच्चीस रुपये मात्र) अर्थदण्ड प्रतिदिन उपरोक्त किया जायेगा।

तय्यबुन,

अध्यक्ष,

नगर पंचायत तम्बौर अहमदाबाद,

सीतापुर।

कार्यालय, नगर पंचायत तम्बौर अहमदाबाद, सीतापुर

उ0प्र0 नगर पालिका अधिनियम, 1916 की धारा 128(1) व 126(10) के अंतर्गत प्रदत्त शक्तियों का प्रयोग करते हुये नगर पंचायत तम्बौर, सीतापुर ने अपनी बैठक 14 अगस्त, 2023 के द्वारा नगर पंचायत क्षेत्र की सीमा के अन्तर्गत आने वाले सभी भवनों, इमारतों तथा भूमियों पर गृहकर निर्धारण हेतु शासनादेश सं0—408/नौ—10—63ज/95टी0सी0 नगर विकास अनुभाग-9 दिनांक 22 फरवरी, 2010 व शासनादेश सं0—135/नौ—9—11—190—द्वि0रा0वि0आ0/04 लखनऊ दिनांक 18 मार्च, 2011 के अनुपालन में नगर पंचायत तम्बौर, सीतापुर की सीमान्तर्गत भवनों व सम्पत्तियों पर स्वकर प्रणाली के अंतर्गत गृहकर जलकर निर्धारण किये जाने हेतु स्वमूल्यांकन व्यवस्था प्रभावी तथा **संपत्तियों पर गृहकर जलकर निर्धारण नियमावली, 2024** बनायी गयी है उक्त उपविधि के सम्बन्ध में यदि किसी व्यक्ति को कोई आपत्ति/सुझाव हो तो अपनी आपत्ति/सुझाव नगर पंचायत तम्बौर, सीतापुर के कार्यालय में विज्ञप्ति प्रकाशन के एक माह अर्थात् 15 दिन के भीतर लिखित रूप से प्रस्तुत कर सकते हैं। नगर पंचायत तम्बौर, अहमदाबाद द्वारा बोर्ड बैठक दिनांक 27 जनवरी, 2024 प्रस्ताव संख्या:- 4 द्वारा प्रस्ताव सर्वसम्मति से स्वीकृत किया गया। तत्क्रम में दैनिक समाचार-पत्रों (हिन्दुस्तान व यूनाईटेड भारत) में क्रमशः 28 जून, 2024 व 29 जून, 2024 को प्रकाशन कराकर आपत्तियां व सुझाव आमंत्रित किया गया परन्तु निर्धारित समयावधि 15

दिन के अन्दर कोई भी आपत्ति एवं सुझाव प्राप्त नहीं हुआ। तदोपरान्त उपविधि को उसी रूप में स्वीकृति प्रदान की गयी है।

सम्पत्तियों पर गृहकर जलकर निर्धारण नियमावली, 2024

1. यह नियमावली नगर पंचायत तम्बौर, सीतापुर की सीमा में स्थित भवनों तथा सम्पत्तियों पर गृहकर जलकर निर्धारण एवं वसूली नियमावली, 2024 कही जायेगी।
2. यह नियमावली नगर पंचायत तम्बौर, सीतापुर की सीमा में लागू होगी।
3. यह नियमावली राजकीय गजट में प्रकाशन के पश्चात शासनादेश संख्या 1688/नौ-9-2021 85ज/05टी0सी0 दिनांक 19 अगस्त, 2021 के अनुसार लागू होगी।
4. "नगर पंचायत" से तात्पर्य नगर पंचायत तम्बौर सीतापुर से है।
5. "अधिकासी अधिकारी" से तात्पर्य नगर पंचायत तम्बौर, सीतापुर के अधिकासी अधिकारी से है।
6. "अध्यक्ष" से तात्पर्य नगर पंचायत के अध्यक्ष/प्रभारी अधिकारी से है।
7. "प्रशासक/बोर्ड" का तात्पर्य नगर पंचायत तम्बौर, सीतापुर के प्रशासक बोर्ड से है।
8. "अधिनियम" से तात्पर्य उ0प्र0 नगर पालिका अधिनियम 1916 से है।
9. "शासनादेश" का तात्पर्य उ0प्र0 शासन के आदेशों/निर्देशों से है।
10. कोई भी व्यक्ति यदि नगर पंचायत तम्बौर, सीतापुर की सीमा में भवन/भूमि का स्वामी/अध्यासी है तो वे भवन/भूमि के सम्पत्ति कर निर्धारण स्वमूल्यांकन द्वारा कर लेंगे। इसके लिए नगर पंचायत तम्बौर, सीतापुर से एक आवेदन-पत्र प्राप्त कर अपने मकान का ब्यौरा देकर उपविधि में दी गयी निर्धारित दर के अनुसार स्वकर का निर्धारण करेंगे।
11. आवेदन-पत्र नगर पंचायत तम्बौर, से किसी भी कार्य दिवस में प्राप्त किया जा सकता है।
12. जिन भवन/भूमि स्वामी/अध्यासी द्वारा स्वकर निर्धारण का विकल्प नहीं अपनाया जायेगा तो उसके सम्बन्ध में कर का निर्धारण व वसूली की कार्यवाही नियमानुसार नगर पंचायत तम्बौर, सीतापुर द्वारा की जायेगी।
13. भवन इसमें वह सभी अहाते, उपघर आदि एक संयुक्त परिसर में कई भवन स्थित है तो इस परिसर के सभी इमारतों के परिसर को भूमि सहित भवन कहा जायेगा और मकान का तात्पर्य उ0प्र0 नगर पालिका अधिनियम, 1916 की धारा में अंकित परिभाषा से है।
14. "सम्पत्ति" का तात्पर्य किसी भवन/भूमि या दोनों से है।
15. "आच्छादित क्षेत्रफल" का तात्पर्य, कुर्सी के ऊपर जिस पर भवन निर्मित है के प्रत्येक तल के आच्छादित क्षेत्रफल से है।
16. कारपेट एरिया की गणना नियमानुसार की जायेगी:—

(क) कमरे

— आन्तरिक आयाम की पूर्ण माप।

(ख) आच्छादित बरामदा

— आन्तरिक आयाम की पूर्ण माप।

(ग) बालकनी, कारीडोर, रसोई व भण्डार गृह — आन्तरिक आयाम की 50 फीसदी माप।

(घ) गैराज — आन्तरिक आयाम की 1/4 माप।

(ङ) स्नानगृह, शौचालय, पोर्टिको और जीने से आच्छादित क्षेत्र—कारपेट एरिया का भाग नहीं होगा।

अथवा

कारपेट एरिया — आच्छादित क्षेत्र का 80 प्रतिशत भाग।

17. कर का निर्धारण :— कर का निर्धारण निम्नांकित के आधार पर किया जायेगा।

(क) वार्षिक मूल्य की गणना, वार्षिक मूल्य= कारपेट एरिया × निर्धारित प्रति ईकाई का क्षेत्रफल मासिक किराया दर × 12

या

आच्छादित क्षेत्रफल का 80 प्रतिशत × निर्धारित प्रति ईकाई का क्षेत्रफल मासिक किराया दर × 12

18. (क) करों का भुगतान— अधिशासी अधिकारी या उसके द्वारा अधिकृत कोई अधिकारी/कर्मचारी बनाये गये नियम के अधीन निर्धारित भवन/भूमि (सम्पत्ति) कर के भुगतान हेतु स्वामी/अध्यासी को बिल भेजेगा, जिसमें एक ऐसा दिनांक निर्दिष्ट होगा, नगर पंचायत तम्बौर, कार्यालय अथवा उसके द्वारा अभिसूचित बैंक में कर का भुगतान किया जायेगा। गृहकर निर्धारण का भुगतान का सार्वजनिक सूचना द्वारा सूचित किये जाने पर भी निर्धारित तिथि तक किया जायेगा। निर्धारित अवधि के नियमावली में दी गयी शास्ति तथा उ0प्र0 नगर पालिका अधिनियम, 1916 की धारा-173 (क) के अनुसार कर की वसूली की जायेगी। धारा-173 (क) की कार्यवाही का खर्च तथा बकाया धनराशि पर 12 प्रतिशत वार्षिक ब्याज भी लिया जायेगा।

(ख) यह है कि नगर पंचायत की ओर से अध्यक्ष/प्रभारी अधिकारी/अधिशासी अधिकारी जैसे भी परिस्थिति हो के नगर पालिका अधिनियम की धारा-158(1)(2) के अन्तर्गत पत्र भेजकर किसी भवन/भूमि स्वामी को उनके सम्पत्ति आदि के बारे में विवरण प्रस्तुत करने तथा अन्य दस्तावेज मांगने व प्राप्त करने का अधिकार होगा।

(ग) इस उपविधि के किसी भी प्रावधान के बारे में नगर पंचायत यदि संतुष्ट है कि उपविधि के किसी प्रावधान का दुरुपयोग पंचायत द्वारा किया जा रहा है अथवा कोई प्रावधान/नियमानुसार जनहित में नहीं है, तो उक्त प्रावधान को निरस्त करने, छूट देने अथवा संशोधित करने का अधिकार नगर पंचायत को होगा।

19. किराये पर उठे आवासीय भवनों का उपरोक्तानुसार अवधारित वार्षिक मूल्य से (ARV) जोड़ें।

(क) दस वर्ष से अधिक पुराना है तो 25 प्रतिशत अधिक होगा (+) 25 प्रतिशत

(ख) दस वर्ष से अधिक तथा बीस वर्ष से कम पुराना है तो 12.5 प्रतिशत अधिक होगा (+) 12.5 प्रतिशत

(ग) बीस वर्ष से अधिक पुराना है तो यथावत समझा जायेगा।

नोट— नगर पालिका अधिनियम-1916 की धारा-140(2) में यह प्रावधान है कि जहाँ नगर पंचायत किराये में किसी कारण से असाधारण परिस्थितियों में किसी भवन का वार्षिक मूल्य यदि उपर्युक्त रीति से गणना की गई हो अत्यधिक हो वहाँ नगर पंचायत किसी भी धनराशि पर जो भी न्याय संगत प्रतीत हो वार्षिक मूल्य नियत कर सकती है।

20. व्यावसायिक सम्पत्तियों से तात्पर्य— सभी प्रकार की फुटकर दुकानें, शोरूम, बेकरी, आटाचक्की, कोयला, लकड़ी, कृषि उपकरणों के लिये केन्द्र, शीतगृह, रिजोर्ट, होटल व बेवसाइट व ऑटोमोबाइल शोरूम/सर्विस सेन्टर व भोजनालय, जलपानगृह, रेस्टोरेन्ट, कैन्टीन, सिनेमा व मल्टीप्लेक्स, अस्थाई सिनेमा, पी0सी0ओ0, पेट्रोल व डीजल फिलिंग स्टेशन, गोदाम/गैस अधिष्ठान भण्डारण तथा गोदाम, निजी कार्यालय, बैंक व अन्य अनावासीय भवनों से है।

21. औद्योगिक सम्पत्तियों से तात्पर्य —सेवा/कुटीर उद्योग, औद्योगिक कारखाने, पावरलूम कारखाना, सूचना प्रौद्योगिकी/सॉफ्टवेयर टेक्नालॉजी/एल0पी0जी0 व फिलिंग प्लाण्ट/संयन्त्र/केन्द्र आदि से है।

22. इन्स्टीट्यूशनल (संस्थागत) सम्पत्तियों से तात्पर्य — राजकीय, अर्द्धराजकीय, स्थानीय निकाय कार्यालय, श्रमिक कल्याण केन्द्र, पी0ए0सी0, पुलिस लाईन, मौसम अनुसंधान केन्द्र, वायरलेस केन्द्र, अतिथि गृह, धर्मशाला, रैनबसेरा, लॉजिंग बोर्डिंग हाउस, छात्रावास, अनाथालय, सुधारालय, कारागार, हेण्डीकैप चिल्ड्रेन हाउस, शिशुगृह, एवं देखभाल केन्द्र, बृद्धावस्था केन्द्र, प्राथमिक शैक्षिक संस्थान, उच्चतर माध्यमिक इण्टर/महाविद्यालय/विश्वविद्यालय, पोलिटेक्निक, इन्जिनियरिंग, विशिष्ट शैक्षिक संस्थान, आई0टी0आई0, डाकघर, तारघर, पुलिस स्टेशन/चौकी, अग्निशमन केन्द्र, पुस्तकालय/वाचनालय, नाट्य प्रशिक्षण केन्द्र, कलाकेन्द्र, सिलाई केन्द्र, बुनाई कढ़ाई केन्द्र, पेन्टिंग, कम्प्यूटर प्रशिक्षण केन्द्र इत्यादि, ऑडिटोरियम, नाट्यशाला, थियेटर, योगकेन्द्र, सामुदायिक केन्द्र, धार्मिक केन्द्र, बारात घर, कॉफ्रेंस एवं मीटिंग हाल, प्रदर्शनी केन्द्र, रेडियों व टेलीविजन कार्यालय/केन्द्र, नर्सिंग होम व अस्पताल आदि।

नोट— जो भी सामाजिक, धार्मिक राजनैतिक संस्थाएँ निःशुल्क जनहित में कार्य कर रही हैं वे कर से मुक्त रहेगी परन्तु जिस धर्म/राजनैतिक संस्था का जितने भाग का उपयोग व्यवसायिक होगा उस पर कर देय होगा।

23. रेन्ट कन्ट्रोल के मकान — रेन्ट कन्ट्रोल अधिनियम 1972 के अधीन आने वाले आवासीय भवनों पर नगर पंचायत तम्बौर, सीतापुर प्रत्येक करों की गणना के लिये वार्षिक किराये का निर्धारण रेन्ट कन्ट्रोल अधिनियम के अंतर्गत नहीं होगा बल्कि गृहकर का निर्धारण उ0प्र0 नगर पालिका अधिनियम 1916 के प्रावधानों के अन्तर्गत शासनादेश संख्या— 135/9-9-11-190-द्वि0रा0वि0आ0/04 नगर विकास अनुभाग-9 लखनऊ दिनांक 18 मार्च, 2011 के अनुसार किया जायेगा।

24. जिन भवनों/व्यावसायिक भवनों में भवन स्वामी का पता नहीं चलता है तो ऐसे भवनों में किरायेदार/अध्यासी को की गृहकर का भुगतान करना होगा।

25. करों में छूट—उत्तर प्रदेश नगर पालिका अधिनियम, 1916 की धारा-140 (2) के अनुसार करों में छूट प्रदान की जायेगी।

(क) गृहकर की देयता वार्षिक होगी, 01 अप्रैल, से 31 मार्च, के मध्य सम्बन्धित वर्ष का कर जमा करना अनिवार्य होगा।

(ख) सम्बन्धित वर्ष में कर जमा नहीं करने की दशा में आगामी वित्तीय वर्ष में गृहकर पर 12 प्रतिशत की दर से सरचार्ज देय होगा।

26. सम्बन्धित संसूचना प्रपत्र (क) प्राप्ति के 15 दिवस के अन्दर नगर पंचायत कार्यालय में भरकर जमा करना अनिवार्य है। भवन के क्षेत्रफल एवं दरों के सम्बन्ध में कोई त्रुटि पूर्ण विवरण होने की दशा में स्वामी अध्यासी से सम्पत्ति की देयता में होने वाले अन्तर के चार गुने धनराशि शास्ति (जुर्माना) के रूप में ली जायेगी निर्धारित अवधि तक विवरण न जमा करने की दशा में 100 वर्ग मीटर, 200 वर्ग मीटर, 400 वर्ग मीटर तथा उससे अधिक भू-खण्ड पर क्रमशः रु0 100/500/1000/2000 तक शास्ति (जुर्माना) आरोपित करके वसूल किया जायेगा, तथा 30 दिन के विलम्ब की स्थिति में शास्ति (जुर्माना) का 5 प्रतिशत अतिरिक्त लिया जायेगा।

27. भवन किराये पर देने या रिक्त होने, भवन में निर्माण/पुनर्निर्माण होने से आच्छादित क्षेत्रफल (कारपेट एरिया) में वृद्धि होने पर तथा भवन के व्यावसायिक/औद्योगिक प्रयोग होने पर 60 दिनों के अन्दर प्रपत्र (ख) में ही पुनः विवरण भवन स्वामी/अध्यासी द्वारा कार्यालय में प्रस्तुत किया जाना अनिवार्य होगा।

28. जिन भवनों/भूमियों को नगर पंचायत तम्बौर, सीतापुर द्वारा भवन/भूमि की संज्ञा दी जा चुकी है उन्हें भी प्रपत्र क और ख पर उपरोक्तानुसार सूचना भरकर जमा करना अनिवार्य है तथा उसके भवन/भूमि पर यदि कोई पूर्व का बकाया है तो प्रपत्र क के अनुसार देय कर एवं पूर्व बकाया भी जमा करेंगे।

29. (क) मकानों को दर्ज करने सम्बन्धी-कोई भी व्यक्ति किसी भी समय यदि किसी भी भवन या भूमि पर अपना नाम अध्यासी अथवा स्वामी के रूप में करदाता सूची में अंकित कराना चाहता है तो उसे निर्धारित प्रक्रिया से आवेदन करना होगा और यदि उसके नाम के सम्बन्ध में कोई आवेदन निरस्त करने हेतु विचाराधीन है तो उल्लेख लिखित रूप में किया जायेगा अन्यथा उसके बाद सूची में आवेदन के अनुसार नाम, कर निर्धारण सूची में अंकित कर दिया जायेगा। मकान/दुकान/प्लॉट इत्यादि दर्ज किये जाने हेतु प्रथम बार में शुल्क रु0 5,000/- प्रति सम्पत्ति देय होगा।

(ख) गृहकर पंजिका में दर्ज ऐसी भूमि/भवन जो पंचायत के स्वामित्व की भूमि है जो किसी कारणवश निजी उपयोग में लायी जा रही है तो वह गृहकर पंजिका में स्वतः निरस्त/करमुक्त मानी जायेगी।

30. मकानों का हस्तांतरण/नामान्तरण सम्बन्धी नियम—

(क) यदि किसी भवन या भूमि जिस पर कर आरोपित है स्वामित्व हस्तांतरित होता है तो स्वामित्व हस्तांतरित करने वाले व्यक्ति तथा संस्था अथवा स्वामित्व पाने वाला व्यक्ति ऐसे संस्था ऐसे हस्तांतरण के 03 माह के अन्दर उसकी सूचना नगर पंचायत द्वारा निर्धारित शुल्क जमा करके निर्धारित प्रपत्र पर अधिशासी अधिकारी को प्रेषित करना अनिवार्य होगा।

(ख) यदि किसी करदाता अथवा भवन/भूमि के स्वामी की मृत्यु हो जाती है तो उसके प्रत्येक वारिस को मृत्यु के दिनांक से 03 माह के अन्दर लिखित सूचना नगर पंचायत कार्यालय में देना होगा।

(ग) यदि किसी करदाता अथवा भवन का वारिस/उत्तराधिकारी 03 माह के अन्दर सूचना देने में असफल रहता है तो 03 माह के बाद प्रार्थना-पत्र प्रस्तुत करते समय उसे नामान्तरण शुल्क के साथ रु0 2,000.00 विलम्ब शुल्क भी देय होगा तभी प्रार्थना-पत्र पर कार्यवाही किया जायेगा। यही प्रक्रिया विक्रय-पत्र के आधार पर नामान्तरण को कार्यवाही पर भी लागू होगी।

(घ) विक्रय पत्र/बैनामा/वसीयतनामा/हिबानामा/करारनामा/दान आदि के आधार पर आवेदक नगर पंचायत अभिलेखों में दर्ज कराना चाहता है तो उसका निम्नलिखित जमा करने के बाद ही कार्यवाही शुरू की जायेगी:-

रु० 10 लाख तक की सम्पत्ति का नामान्तरण शुल्क -रु० 5,000/-

रु० 10 लाख से अधिक 25 लाख तक की सम्पत्ति का नामान्तरण शुल्क -रु० 10,000/-

रु० 25 लाख से अधिक 50 लाख रु० तक की सम्पत्ति का नामान्तरण शुल्क -रु० 15,000/-

रु० 50 लाख से अधिक 1 करोड रु० तक की सम्पत्ति का नामान्तरण शुल्क - रु० 25,000/-

रु० 1 करोड से अधिक की सम्पत्ति का नामान्तरण शुल्क -रु० 50,000 प्रति पीढी देय होगा।

नोट:- भवनों, भूमियों, इत्यादि को दर्ज करने हस्तान्तरण/नामान्तरण करने हेतु स्थानीय स्तर पर प्रचलित अधिक प्रसार वाले राष्ट्रीय/दैनिक समाचार-पत्र में प्रकाशन कर 30 दिन के भीतर आपत्ति प्राप्त करने के पश्चात् प्राप्त आपत्ति का निस्तारण होने के उपरान्त नामान्तरण/हस्तान्तरण करने की कार्यवाही पूर्ण की जायेगी समाचार-पत्र प्रकाशन का खर्च आवेदक से लिया जायेगा।

31. कर निर्धारण दर- गृहकर वार्षिक मूल्य का 10 प्रतिशत देय होगा।

32. मुख्य मार्ग का तात्पर्य-मुख्य मार्ग में सभी सड़कें आयेंगी जिसकी चौड़ाई 24 फुट से अधिक होगी।

33. अन्य मार्ग का तात्पर्य-मुख्य मार्ग के अंदर के मार्ग व मोहल्ला/कालोनी में जाने वाली सड़क एवं समस्त गलियां अपने भागों में आयेंगी।

34. अधिशासी अधिकारी नगर पंचायत तम्बौर, सीतापुर द्वारा सत्यापित मासिक किराया प्रति वर्गफुट।

भवन की प्रकृति	पक्का भवन (RCC/RB छत)			अन्य पक्का भवन			कच्चा भवन	भूमि के सम्बन्ध में
1	2	3	4	5	6	7	8	9
फर्श की प्रकृति ⇒ सड़क की लम्बाई ⇓	पत्थर/ टायल्स / मुजाइक	पक्का फर्श	कच्चा	पत्थर/ टायल्स / मुजाइक	पक्का फर्श	कच्चा	कच्चा	खाली प्लॉट
क— (24 फुट से अधिक चौड़ी सड़क पर स्थित भवन)	1.00	0.80	0.40	0.80	0.50	0.30	0.15	0.10
ख—(12 फुट से 24 फुट चौड़ी सड़क पर स्थित भवन)	0.80	0.60	0.30	0.60	0.40	0.20	0.10	0.05
ग—(12 फुट तक चौड़ी सड़क पर स्थित भवन)	0.60	0.40	0.20	0.50	0.30	0.10	0.10	0.05

35. अन्तिम निर्णय अधिशासी अधिकारी नगर पंचायत तम्बौर, सीतापुर में निहित होगा।

36. अन्य व्यावसायिक भवन/मिश्रित भवन जो मुख्य मार्ग पर स्थित न हो का कर निर्धारण निर्धारित आवासीय दर का दोगुना दर पर किया जायेगा।
37. (क) किसी भी स्वामी द्वारा अध्यासित आवासीय भवन जो 30 वर्ग मी० के माप वाले या 15 वर्ग मी० तक कारपेट क्षेत्रफल भू-खण्ड पर निर्मित हो उसके स्वामी के स्वामित्व में नगर पंचायत तम्बौर, सीतापुर की सीमा के अंतर्गत कोई अन्य भवन/भू-खण्ड न हो पर वार्षिक मूल्य की गणना नहीं की जायेगी वो कर से मुक्त होंगे।
- (ख) यदि आंशिक भाग का उपयोग व्यावसायिक/औद्योगिक के रूप में प्रयोग किया जा रहा है और आंशिक भाग पर निवासित है तो व्यावसायिक/औद्योगिक वाले भाग पर व्यावसायिक/औद्योगिक दर लागू होगा तथा निवासित भाग पर निवासित दर लागू होगा।
- (ग) व्यावसायिक/औद्योगिक उपयोग वाले आवासों/आवासीय अंशों पर कर निर्धारण निम्न प्रकार किया जायेगा।

श्रेणी	सम्पत्ति का विवरण	अनावासीय भवन की मासिक किरायें की दर
1	2	3
1.	प्रत्येक प्रकार के वाणिज्यिक काम्पलेक्स, दुकानें और अन्य प्रतिष्ठान बैंक, कार्यालय, होटल, कोचिंग व प्रशिक्षण संस्थान (राज्य सरकार द्वारा सहायता प्राप्त को छोड़कर) आवासीय सह दुकान की स्थिति में।	आवासीय दर का पांच गुना
2.	टॉवर और होर्डिंग वाले भवन, टी०बी० टॉवर दूर संचार या कोई अन्य टॉवर जो भवन की सतह पर या शिखर पर या खुले स्थान पर प्रतिस्थापित किये जाते हैं।	आवासीय दर का चार गुना
3.	प्रत्येक प्रकार के क्लीनिक, पाली क्लीनिक डायग्नोस्टिक केन्द्र, प्रयोगशालाएँ, नर्सिंग होम, चिकित्सालय केन्द्र, मेडिकल स्टोर, स्वास्थ्य परिचर्या केन्द्र।	आवासीय दर का तीन गुना
4.	पेट्रोल पम्प, गैस एजेंसी, डिपो और गोदाम	आवासीय दर का तीन गुना
5.	सामुदायिक भवन, कल्याण मण्डप शादी/बारात घर, क्लब व इसी प्रकार के भवन	आवासीय दर का तीन गुना
6.	औद्योगिक इकाइयां सरकारी अर्धसरकारी एवं सार्वजनिक, उपक्रम कार्यालय	आवासीय दर का तीन गुना
7.	क्रीडा केन्द्र, जिम, शारीरिक स्वास्थ्य केन्द्र, थियेटर तथा सिनेमा घर	आवासीय दर का दो गुना
8.	अन्य प्रकार के अनावासिक भवन जो उपर्युक्त श्रेणियों में उल्लिखित नहीं हैं।	आवासीय दर का तीन गुना
9.	छात्रावास और शैक्षणिक संस्थान जो अधिनियम की धारा-129-क के खण्ड (ग) के अधीन आच्छादित नहीं हैं।	आवासीय दर के समान

38. अधिशासी अधिकारी नगर पंचायत तम्बौर, सीतापुर द्वारा पंचायत सीमान्तर्गत स्थित भवनों/भूमियों का वार्षिक मूल्यांकन दरों पर निर्धारित किया जायेगा।
39. सम्बंधित बुकलेट रु0 50 शुल्क जमा कर नगर पंचायत तम्बौर, कार्यालय से प्राप्त कर सकते हैं।
40. मूल्य की गणना उप निबन्धक कार्यालय द्वारा निर्धारित दरों से की जायेगी।
41. करों/शुल्कों/जुर्माना निर्धारित समय सीमा पर न जमा करने पर इसकी वसूली भू-राजस्व की भांति की जायेगी।

अर्थदण्ड

उ0प्र0 नगर पालिका अधिनियम, 1916 की धारा-299(1) में प्रदत्त अधिकारों का प्रयोग करते हुये नगर पंचायत तम्बौर, सीतापुर निश्चित करती है कि उपविधि के किसी भी नियम का उल्लंघन करना दण्डनीय अपराध होगा जो रु0 1,000/— एक हजार जुर्माना हो सकता है और निरन्तर बने रहने की दशा में अतिरिक्त अर्थदण्ड देय होगा जो सर्वप्रथम दोष सिद्ध के दिनांक या अधिशासी अधिकारी द्वारा दिये गये नोटिस के दिनांक से प्रत्येक दिवस के लिये जिसके बारे में सिद्ध हो जाये कि जिसमें अपराधी अपराध करता है, रु0 25/— पच्चीस रुपये मात्र प्रतिदिन अर्थदण्ड लिया जायेगा।

अधिशासी अधिकारी,
नगर पंचायत तम्बौर, अहमदाबाद,
सीतापुर।

कार्यालय, नगर पंचायत तम्बौर अहमदाबाद, सीतापुर

नगर क्षेत्र को स्वच्छ बनाने के लिये नगर पंचायत तम्बौर, सीतापुरनगर पालिका अधिनियम, 1916 व ठोस अपशिष्ट प्रबन्धन नियमावली, 2016 में निहित प्राविधानों के अधीन निम्न प्रकार उपविधि बनाने के लिये सुझाव व आपत्ति प्रकाशन की तिथि के 15 दिन के अन्दर आपत्ति/सुझाव माँगे जा रहे हैं। निर्धारित अवधि के पश्चात् प्राप्त आपत्ति/सुझाव पर विचार नहीं किया जायेगा।

नगर पालिका अधिनियम, 1916 की धारा-298 के अधीन नगर पंचायत तम्बौर, जनपद-सीतापुर में ठोस अपशिष्ट प्रबन्धन हेतु यह उपविधि बनती है। यह उपविधि ठोस अपशिष्ट प्रबन्ध (प्रबन्धन व हथालन) उपविधि 2024 कहलायी जायेगी। नगर पंचायत तम्बौर, अहमदाबाद द्वारा बोर्ड बैठक दिनांक 27 जनवरी, 2024 प्रस्ताव संख्या:- 4 द्वारा प्रस्ताव सर्वसम्मति से स्वीकृत किया गया। तत्क्रम में दैनिक समाचार-पत्रों (हिन्दुस्तान व यूनाईटेड भारत) में क्रमशः 28 जून, 2024 व 29 जून, 2024 को प्रकाशन कराकर आपत्तियां व सुझाव आमंत्रित किया गया परन्तु निर्धारित समयावधि 15 दिन के अन्दर कोई भी आपत्ति एवं सुझाव प्राप्त नहीं हुआ। तदोपरान्त उपविधि को उसी रूप में स्वीकृति प्रदान की गयी है।

नगर पंचायत तम्बौर, जनपद-सीतापुर में एस0बी0एम0 के अन्तर्गत यूजर चार्ज नियमावली, 2024

- अ— यह नियमावली ठोस अपशिष्ट प्रबन्धन उपविधि 2024 कहलायेगी।
- ब— यह उपविधि नगर पंचायत तम्बौर, अहमदाबाद जनपद-सीतापुर सीमान्तर्गत लागू होगी।
- स— अधिनियम का तात्पर्य नगर पालिका अधिनियम, 1916 से है।
- द— इस नियमावली में अधिशासी अधिकारी से तात्पर्य नगर पंचायत के अधिशासी अधिकारी से है।

प्राधिकारी का अर्थ:—नगर पंचायत तम्बौर, जनपद-सीतापुर के अधिशासी अधिकारी से होगा।

प्राधिकारी संस्था:— नगर पंचायत तम्बौर, जनपद-सीतापुर से है।

क्षेत्र:— यह उपविधि नगर पंचायत तम्बौर, अहमदाबाद जनपद-सीतापुर की सम्पूर्ण सीमा क्षेत्र में समान रूप से प्रभावशाली होगी।

1- समस्त निवासियों के लिये यह अनिवार्य होगा कि वे ठोस अपशिष्ट प्रबन्धन नियम 2016 में उल्लिखित नियमों के अनुसार अपने स्थल पर उत्सर्जित/उनके द्वारा उत्पन्न किये गये अपशिष्ट को उद्गम स्थल पर तीन हिस्सों में गीला सूखा एवं परिसंकटमय अपशिष्टों में तीन क्रमशः हरा, नीला व लाल, सफेद ढक्कननुमा कचरा पात्र में भण्डारित करना होगा व दिन में एक बार ही नगर पंचायत तम्बौर, जनपद सीतापुर द्वारा निर्धारित कूड़ा चुनने वाले अथवा डोर-टू-डोर अपशिष्ट संग्रहकर्ता को निर्धारित मासिक शुल्क देकर निस्तारण सुनिश्चित करना होगा। ताकि आम सड़कों मार्गों पर नगर पंचायत द्वारा स्वच्छ करने के पश्चात् किसी प्रकार की गंदगी कूड़ा-करकट नहीं फैले।

2-कोई व्यक्ति व संस्था निर्माण एवं ध्वस्तीकरण अपशिष्ट को पृथक रूप से अपने परिसर में भंडारित करेगा एवं **Construction and Demolition Waste Rule 2016** के अनुसार निपटान करेगा।

3-नगर में स्थित सभी को-आपरेटिव सोसाइटीज, एसोसिएशन आवासीय एवं व्यवसायिक प्रतिष्ठानों के प्रबन्धन की यह जिम्मेदारी होगी कि वे आवश्यक घनत्व में उपर्युक्त स्थान पर आवश्यक संख्या में अपने स्वयं के कंटेनर (नीला व हरा रंग के) स्थापित करेंगे जिनमें दैनिक उत्सर्जित कचरे का पृथक-2 भंडारण हो सके जिसका निस्तारण नगर पंचायत द्वारा निर्धारित देय यूजर चार्ज देकर करायेगा।

4-कोई भी व्यक्ति/नागरिक अपशिष्ट को गली/मार्गों व खुले सार्वजनिक स्थानों नाली/नाला या जलाशयों में न फेंकेगा, न जलायेगा और न ही गाड़ेगा। उपविधि का पालन न करने की दशा में रु0 5,000/— का जुर्माना वसूल किया जायेगा अथवा न्यायालय में अभियोग दायर किया जा सकेगा।

5-कोई भी व्यक्ति/नागरिक अपने आवास के समीप खाली स्थानों पर कूड़ा नहीं डालेगा न डालने देगा कूड़े के समीप निवासी को जिम्मेदार समझा जायेगा, जिसके लिये निकाय निर्धारित चालान करने में समर्थ होगा एवं अभियोग दायर किया जा सकेगा।

6-बूचड़ खानों, मांस-मछली बजारों, फल एवं सब्जी बाजारों के अपशिष्ट जो जैव निम्नकरणीय प्रवृत्ति का होता है का प्रबन्ध ऐसी रीति से किया जायेगा कि ऐसे अपशिष्ट को उपयोग में लाया जा सके ऐसे व्यवसायियों को इस प्रकार के अपशिष्ट को पृथक से एकत्र करने एवं नगर पंचायत के कलेक्शन वाहन को प्रतिदिन हैण्ड ओवर करने का प्रबन्ध करते हुए नियमानुसार नगर पंचायत को मासिक यूजर चार्ज देकर निस्तारण सुनिश्चित कराना होगा।

7-अस्पतालों, नर्सिंग होम्स, क्लीनिक, लैबोरेटरी आदि द्वारा जैव चिकित्सीय को नगरीय ठोस अपशिष्ट के साथ नहीं मिलाया जायेगा। अस्पतालों, नर्सिंग होम्स एवं क्लीनिक आदि के प्रबन्धन द्वारा जैव चिकित्सीय अपशिष्ट नियम 2016 का अक्षरशः अनुपालन नगर पंचायत द्वारा निर्धारित यूजर चार्ज देते हुए नगर पंचायत के व्यवस्थानुसार कराया जायेगा।

8-कोई भी व्यक्ति/निवासी अपने परिसर से उत्पन्न कृषि उद्यान अपशिष्ट को अपने ही परिसर में पृथक रूप से भण्डारित करेगा और समय-समय पर नगर निकाय द्वारा निर्धारित शुल्क (यूजर चार्ज) देकर निपटान करेगा।

9-कोई भी व्यक्ति/व्यवसायी निर्माण सामग्री को किसी दशा में सार्वजनिक स्थान पर नहीं डालेगा। अनाधिकृत रूप से निजी मलवा/सामग्री डालना अधिनियम व नियमों के तहत दण्डनीय अपराध होगा।

10-अपशिष्ट कूड़ा करकट सूखी पत्तियों को जलाया नहीं जायेगा।

11-कोई व्यक्ति अग्रिम रूप से कम से कम तीन दिवस पूर्व स्थानीय निकाय/नगर पंचायत को सूचित किये बगैर किसी गैर अनुज्ञप्ति वाले स्थान पर एक सौ व्यक्ति से अधिक का ऐसा कोई आयोजन या समारोह आयोजित नहीं करेगा और पृथक अपशिष्ट को पंचायत द्वारा निर्धारित यूजर चार्ज जमा कर नियोजित अपशिष्ट संग्रहण अधिकरण को सौंपेगा।

12-मार्ग विक्रेता जिसके अन्तर्गत फेरीवाला, गली की लेन, सार्वजनिक पार्को, सार्वजनिक स्थानों या प्राइवेट स्थानों पर अस्थाई निर्मित संरचना पट या घूम-2 कर व्यवसाय करने वाले विक्रेताओं को उनके द्वारा उत्पन्न होने वाले अपशिष्ट के निपटान हेतु ढक्कन युक्त कूड़ा पात्र रखना होगा।

13-कोई भी व्यक्ति नगर पंचायत द्वारा स्थापित अपशिष्ट कूड़ेदान के बाहर नहीं फेंकेगा। निर्धारित कूड़ेदान में निर्धारित अपशिष्ट डालेगा।

14-पशुओं को अपशिष्ट कूड़ादान स्थलों अथवा शहर के किसी अन्य स्थान के आस-पास घूमने नहीं दिया जायेगा इसका अधिकृत क्षेत्र/स्थल पर ही प्रबन्ध करना होगा।

15-कोई भी व्यक्ति अपने भवन संस्थान व्यापारिक प्रतिष्ठान से गन्दा पानी, कीचड़ पानी, नाईट स्वाइल, गोबर, मलमूत्र, दूषित जल अपने परिसर में किसी प्रकार एकत्रित नहीं करेगा न सार्वजनिक मार्गों एवं नालियों में बहने देगा जिससे वातावरण दुर्गन्ध से प्रदूषित हो व जन स्वास्थ्य को हानि होने की संभावना हो अथवा आवागमन में बाधक हो अन्यथा उसके विरुद्ध जुर्माना वसूल किया जा सकेगा एवं न्यायालय में अभियोजन किया जा सकेगा।

16-कोई व्यक्ति किसी प्रकार का मृत मवेशी अथवा उसके अवशेष सार्वजनिक स्थानों इत्यादि पर नहीं डालेगा। नगर पंचायत को निर्धारित यूजर चार्ज देकर उसका निपटान करायेगा।

17-नगर पंचायत सीमा के अन्दर खुले में शौच करने वाले व्यक्तियों से पाँच सौ रुपये एवं पेशाब करने वाले व्यक्तियों पर सौ रुपये जुर्माना वसूला जायेगा। जिसकी अदायगी व्यक्तियों को तुरन्त करनी होगी।

18-यह कि माननीय उच्च न्यायालय की सुनवाई दिनांक 09.11.2016 व नगर विकास अनुभाग-5 के आदेश संख्या 3595/नौ-5-2016-29/2014 दिनांक-08 नवम्बर 2016 के अनुपालन में सड़क के किनारे भवन निर्माण अवशेष रखने पर रु0 50,000/- का आर्थिक दण्ड वसूल किया जायेगा।

19-कोई भी व्यक्ति/निवासी सरकारी भवनों, चौराहों एवं दीवारों व गेटों पर निजी या व्यापारिक प्रचार-प्रसार हेतु पोस्टर व स्लोगन नहीं लिखायेगा।

20-किसी भी तरह के जानवर पालने वाले व्यक्तियों को उनके मल का निस्तारण स्वयं करना होगा उसके लिये नगर पंचायत उत्तरदायी नहीं होगी। जानवरों के मल व गोबर को सार्वजनिक स्थान पर डालने पर उनके पशु पालकों पर 200/- जानवर शुल्क लगेगा।

घर-घर कचरा संग्रहण योजना के तहत घर-घर कचरा एकत्रित करने हेतु निम्नानुसार दरें तय की जाती है।

क्र० सं०	उपभोक्ता की श्रेणी	सहयोग राशि (उपभोक्ता द्वारा) प्रतिमाह नगर पंचायत तम्बौर क्षेत्र/प्रतिमाह
1	2	3
		रु०
1—	गेस्ट हाउस	500.00
2—	हॉस्टल।	400.00
3—	व्यावसायिक कार्यालय, सरकारी कार्यालय, बैंक, बीमा कार्यालय, होटल रेस्टोरेंट।	500.00
4—	नर्सिंग होम (50 बेड तक)।	1500.00
5—	नर्सिंग होम (50 बेड से अधिक)।	3000.00
6—	छोटे उद्योग (10 किलो कूड़ा प्रतिदिन)।	500.00
7—	गोदाम, कोल्ड स्टोर (कूड़ा)।	1000.00
8—	बारातघर, धर्मशाला (3000 वर्ग मीटर तक)।	1500.00
9—	बारातघर, धर्मशाला (3000 वर्ग मीटर से अधिक)।	4000.00
10—	दो पहिया वाहन एजेन्सी।	300.00
11—	चार पहिया वाहन एजेन्सी।	500.00
12—	व्यावसायिक काम्पलेक्स अथवा मार्केट।	1000.00
13—	माल।	1500.00
14—	रिहायशी मकान (डोर टू डोर कलेक्शन)।	30.00
15—	हलवाई, चाट, पकौड़ी, फास्ट फूड, आइसक्रीम, गन्ने का रस एवं अन्य जूस, सब्जी एवं फूड आदि ठेला व्यवसायियों पर।	100.00
16—	निजी खाली प्लॉट पर पड़े कूड़े करकट की सफाई हेतु (3000 वर्गफीट) तक।	2000.00

नगर पंचायत की शक्ति

- नगर पंचायत क्षेत्र में नगरीय ठोस अपशिष्टों या कूड़ा-करकट फैलाना प्रतिषेध होगा यदि कोई भी व्यक्ति सार्वजनिक स्थानों, मार्गों, निजी खुले स्थानों, पार्कों, पानी के स्रोतों इत्यादि पर गंदगी कूड़ा, करकट फैलाते व रखते पाया जाता है, तो प्राधिकृत अधिकारी जो निरीक्षक के स्तर से कम का नहीं हो अथवा प्राधिकृत अधिकारी द्वारा अधिकृत कर्मचारी संलग्न "अनुसूची-अ" में घोषित/समय पर निकाय द्वारा निर्धारित जुर्माना (केरिंग चार्ज) ऐसे दोषी व्याक्तियों से मौके पर ही वसूल करने में सक्षम होगा।

2. नियम को लागू कराने हेतु जिम्मेदार अधिकारी/कर्मचारी द्वारा इसे सख्ती से लागू कराया जायेगा। लागू कराने में असक्षम/लापरवाही/असमर्थ कर्मचारी के विरुद्ध नगर पालिका अधिनियम, 1916 में उल्लेखित नियमों के अधीन सख्त कार्यवाही का अधिकार "प्राधिकारी" को होगा।

"अनुसूची-अ"

उपविधियों के उल्लंघन में किये गये कृत्यों के लिये निर्धारित कैरिंग चार्ज।

क्र० सं०	कृत्य	धनराशि प्रतिदिन
1	2	3
		रु०
1—	रिहायशी भवनों के निवासियों।	100.00
2—	दुकानदारों द्वारा कचरा डालने पर।	500.00
3—	रेस्टोरेंट मालिकों द्वारा खुला कचरा डालने पर।	1,000.00
4—	होटल मालिकों द्वारा कचरा डालने पर।	1,500.00
5—	औद्योगिक प्रतिष्ठान द्वारा कचरा डालने पर।	5,000.00
6—	हलवाई, चाट, पकौड़ी, फास्ट फूड, आइसक्रीम, गन्ने का रस एवं अन्य जूस, सब्जी एवं फूड आदि ठेला व्यवसायियों पर।	100.00
7—	सार्वजनिक स्थानों पर पेशाब करने वालों पर।	100.00
8—	गोबर सार्वजनिक स्थान पर डालने पर।	500.00
9—	निजी मकान, दुकान इत्यादि के निर्माण का मलबा, निर्माण सामग्री ईट, सीमेन्ट लोहा, पत्थर सरकारी भूमि पर डालने पर।	1,000.00
10—	निजी ट्रैक्टरों द्वारा बजरी, कचरा मलबा, गोबर इत्यादि परिवहन करते हुये नगर पंचायत की सड़को पर अपनी सामग्री बिखेरने व गन्दगी फैलाने पर।	2,000.00
11—	सरकारी भवनों, चौराहों एवं दीवारों व उनके गेटों पर निजी वाणिज्य प्रचार-प्रसार हेतु पोस्टर चिपकाने, स्लोगन लिखकर सरकारी दीवारें ऐतिहासिक भवनों की सुन्दरता को खराब करने व बैनर्स लगाने पर उस संस्था के मालिक अथवा मौके पर पाये गये व्यक्ति से (प्रत्येक कृत्य पर)।	2,000.00
12—	बिना सक्षम स्वीकृति के रोडकट करने पर।	5,000.00
13—	अपने मकानों का गन्दे पानी का निकास आम सड़क पर करने पर	1,000.00
14—	अपने मकान भवन का सीवरेज की गन्दगी आम नाली/नाले में बहाने पर।	5,000.00
15—	क्रमांक 02 से 06 तक वर्णित व्यवसायों द्वारा अपने व्यवसाय स्थल का कचरा एकत्रित रखने के निर्धारित ढक्कनदार कचरा पात्र आवश्यक क्षमता का नहीं रखने पर।	1,000.00
16—	दुकान अथवा ठेला व्यवसायों द्वारा सड़क पर बैठकर स्कूटर व साईकिल रिपेरिंग कर आयल मिट्टी व पानी फैलाकर गन्दगी करने पर।	1,000.00

1	2	3
		रु०
17—	मीट की दुकानों के सामने दुकानदार द्वारा काटे गये जानवरों की हड्डियां, मलबा, मलीदा, खून, मुर्गे के पंख, अण्डों के छिलके इत्यादि सड़क पर व आम रास्ते/रास्तों में डालकर गन्दगी फैलाने पर।	2,000.00
18—	आम रास्ता सड़क व मकान के सामने गाय, भैस, बकरी, कुत्ते, भेड़, ऊंट गधा, सुअर इत्यादि पालतू जानवरों से गन्दगी फैलाने पर।	500.00 जानवर
19—	शादी/विवाह स्थलों के बाहर कचरा डालने पर।	2,500.00
20—	आम रास्ता सड़क पर खुले में या टेन्ट लगाकर खुले आम मांस-मछली पकाने व अंश सड़क पर डालने व गंदगी फैलाने पर।	2,000.00
21—	सार्वजनिक स्थान, जमीन व सड़क के किनारे बैठकर सब्जियां बेचकर छिलके व अंश सड़क पर डालने व गन्दगी पर।	200.00
22—	हेयर कटिंग सैलून वालों द्वारा आम रास्ता व सड़क पर गन्दगी बाल इत्यादि डालने पर।	500.00
23—	दुकानदारों अथवा व्यावसायिक द्वारा आम सड़क अथवा जमीन पर अतिक्रमण कर भवन सामग्री डालकर व्यवसाय करने पर।	5,000.00 उपविधियों का लगातार उल्लंघन करने पर अभियोजन भी चलाया जा सकेगा।
24—	आम रास्ता सड़क फुटपाथ सरकारी जमीन पर अतिक्रमण कर भोजनालय ढाबा चलाकर गन्दगी फैलाने पर।	1,000.00
25—	प्राइवेट अस्पताल, नर्सिंग होम क्लीनिक जमीन पर अतिक्रमण कर भोजनालय ढाबा चलाकर गन्दगी डालकर गन्दगी फैलाने पर।	2,000.00
26—	खुले में शौच जाने पर।	500.00

नोट:—करो/शुल्कों/जुर्माना निर्धारित समय-सीमा पर न जमा करने पर इसकी वसूली भू-राजस्व की भांति की जायेगी।

तथ्यबुन,
अध्याक्ष,
नगर पंचायत तम्बौर, अहमदाबाद,
सीतापुर।

कार्यालय, नगर पंचायत तम्बौर अहमदाबाद, सीतापुर

उत्तर प्रदेश नगर पालिका अधिनियम, 1916 की धारा-128(1)(XIV-ख) द्वारा प्रदत्त शक्तियों का प्रयोग करके नगर पंचायत तम्बौर, अहमदाबाद-सीतापुर के नगर पंचायत तम्बौर, सीमा क्षेत्रान्तर्गत में अचल सम्पत्ति के हस्तान्तरण के विलेखों पर कर लगाने हेतु जो नियमावली बनायी गयी है उसका प्रारूप उक्त अधिनियम की धारा-131(3) की अपेक्षानुसार सम्बन्ध व्यक्तियों की सूचना के लिये और उनके सम्बन्ध में आपत्तियों एवं सुझाव आमंत्रित करने के उद्देश्य से प्रकाशित किया जाता है। प्रस्तावित नियमों के सम्बन्ध में समस्त आपत्तियों एवं सुझाव उपजिलाधिकारी लहरपुर/प्रशासक नगर पंचायत तम्बौर को सम्बोधित करते हुये और लिखित रूप से प्रेषित किये जाने चाहिये केवल उन्हीं आपत्तियों पर विचार किया जायेगा जो प्रकाशन तिथि से 15 दिवस के भीतर तक प्राप्त होगी। नगर पंचायत तम्बौर, अहमदाबाद द्वारा बोर्ड बैठक दिनांक 27 जनवरी, 2024 प्रस्ताव संख्या:- 4 द्वारा प्रस्ताव सर्वसम्मति से स्वीकृत किया गया। तत्क्रम में दैनिक समाचार-पत्रों (हिन्दुस्तान व यूनाईटेड भारत) में क्रमशः 28 जून, 2024 व 29 जून, 2024 को प्रकाशन कराकर आपत्तियां व सुझाव आमंत्रित किया गया परन्तु निर्धारित समयावधि 15 दिन के अन्दर कोई भी आपत्ति एवं सुझाव प्राप्त नहीं हुआ। तदोपरान्त उपविधि को उसी रूप में स्वीकृति प्रदान की गयी है।

नियमावली-

1-संक्षिप्त शीर्ष नाम प्रारम्भ प्रवृत्ति-

1. यह नियमावली नगर पंचायत तम्बौर, सीतापुर के भीतर स्थित अचल सम्पत्ति के हस्तान्तरण के विलेखों पर कर नियमावली कहलायेगी।
2. यह उस दिनांक से प्रवृत्त होगी जब तक नगर के भीतर अचल सम्पत्ति के हस्तान्तरण के विलेखों पर कर लगाया जाये।
3. यह नगर पंचायत तम्बौर, अहमदाबाद में स्थित अचल सम्पत्ति के हस्तान्तरण के समस्त विलेखों पर प्रवृत्त होगी।

2-परिभाषाये- विषय प्रसंग में कोई बात प्रतिकूल न होने पर इस नियमावली में:-

- (क) अधिनियम, का तात्पर्य नगर पंचायत अधिनियम, 1916 (यू0पी0 एक्ट संख्या-2 सन् 1916) से है।
- (ख) नगर का तात्पर्य नगर पंचायत तम्बौर, अहमदाबाद से है।
- (ग) शुल्क का तात्पर्य इण्डियन स्टाम्प एक्ट 1899 (एक्ट संख्या 2, 1899) के अधीन अचल सम्पत्ति के हस्तान्तरण के किसी विलेख पर लगाये गये शुल्क से है।
- (घ) इण्डियन स्टाम्प एक्ट का तात्पर्य उत्तर प्रदेश में अपनी प्रवृत्ति के सम्बन्ध में यथा संशोधित इण्डियन स्टाम्प एक्ट 1899 (एक्ट संख्या 2, 1899) से है।
- (ङ) नगर पंचायत का तात्पर्य नगर पंचायत तम्बौर, अहमदाबाद-सीतापुर से है।
- (च) अधिशासी अधिकारी का तात्पर्य नगर पंचायत तम्बौर, अहमदाबाद के अधिशासी अधिकारी से है।

(छ) कर का तात्पर्य अधिनियम की धारा-128 की उपधारा (1) के खण्ड (XIV-ख) के अधीन लगाये गये कर से है।

3— नगर पंचायत के भीतर स्थित अचल सम्पत्ति के हस्तान्तरण के किसी विलेख पर इण्डियन स्टाम्प एक्ट द्वारा लगाया गया शुल्क हस्तान्तरित सम्पत्ति के मूल्य पर अथवा भाग बन्धक की दशा में दस्तावेज द्वारा प्रतिभूत धनराशि पर 2 प्रतिशत के दर से बढ़ाकर किया जायेगा।

4— कर लगाने की प्रक्रिया—उक्त वृद्धि के फलस्वरूप उगाही गयी समस्त धनराशि प्रासांगिक व्ययों को, यदि कोई हो, काट लेने के पश्चात् राज्य सरकार द्वारा नगर पंचायत को निम्नलिखित रीति से अदा की जायेगी।

1. अब कभी नगर के भीतर स्थित अचल सम्पत्ति के हस्तान्तरण का कोई दस्तावेज निबन्धन के लिये प्रस्तुत किया जाये तो निबन्धन अधिकारी यह सुनिश्चित कर लेगा कि इण्डियन स्टाम्प एक्ट की धारा-27 में निर्दिष्ट ब्यौरे—

निम्नलिखित के सम्बन्ध में पृथक-पृथक दिये गये हैं:—

(क) नगर के भीतर स्थित सम्पत्ति।

(ख) नगर के बाहर स्थित सम्पत्ति।

2. यदि ऐसे ब्यौरे दस्तावेज में पृथक-पृथक व दिये गये हों तो निबन्धन अधिकारी उसे कलेक्टर को अधिनियम की धारा-128क की उपधारा (4) धारा नगर पालिकाओं पर यथा प्रवृत्त इण्डियन स्टाम्प एक्ट की धारा-64 के अधीन आवश्यक कार्यवाही के लिये भेजेगा।

5— करके लेखे रचना—निबन्धक अधिकारी तम्बौर, अहमदाबाद-सीतापुर प्रत्येक दस्तावेज के सम्बन्ध पृथक-पृथक लेखे रखेगा, जिसमें शुल्क व कर दिखायेगा।

6— निबन्धन अधिकारी— जो दीवानी न्यायालय द्वारा दिये गये विक्रय के प्रमाण-पत्रों को प्रतिलिपियां प्राप्त कर और इण्डियन रजिस्ट्रेशन एक्ट 1908 (एक्ट संख्या 16, 1998) 89 के अधीन उन्हें अपनी पुस्तक संख्या 1 में नत्थी करें तथा राजस्व अधिकारीगण शुल्क और कर का उसी प्रकार लेखा रखेगा।

7— निबन्धक अधिकारी जनवरी, अप्रैल, जुलाई और अक्टूबर के महीनों में पृथक-पृथक तिमाही विवरण पत्र तैयार करेगा जिसमें वह शुल्क और कर के रूप में वसूली की गयी धनराशि और उसे जिला निबन्धक को उक्त प्रत्येक महीने के पांचवें दिनांक तक प्रस्तुत करेगा।

(1) निबन्धक महानिरीक्षक, उ0प्र0 इलाहाबाद।

(2) कनिष्ठ सचिव राजस्व परिषद उ0प्र0 इलाहाबाद।

(3) अधिशासी अधिकारी नगर पंचायत तम्बौर, अहमदाबाद-सीतापुर।

(4) महालेखाकार उ0प्र0 इलाहाबाद।

8— नगर पंचायत तम्बौर अहमदाबाद की ओर से उगाही कर की धनराशि ऐसे प्रासंगिक व्ययों को जो राज्य सरकार द्वारा समय-समय पर निर्धारित किये जायेंगे, काट लेने के पश्चात् प्रत्येक तिमाही के अन्त में नगर पंचायत तम्बौर को लौटा दी जायेगी प्रतिदिन की धनराशि प्राप्त करने के लिये अधिशासी अधिकारी नगर पंचायत तम्बौर, सीतापुर प्रत्येक तिमाही के कनिष्ठ सचिव राजस्व परिषद् उ0प्र0 इलाहाबाद की फाईनेन्शियल हैण्ड बुक खण्ड-1 भाग-1 के प्रपत्र संख्या-19 में एक बिल प्रस्तुत करेगी। कनिष्ठ सचिव द्वारा बिल स्वीकृत किये जाने के पश्चात् उसकी एक प्रतिलिपि अधिशासी अधिकारी को लौटा दी जायेगी जो स्वीकृत बिल के प्रस्तुत किये जाने पर स्थानीय कोषागार से प्रतिदिन की धनराशि प्राप्त करेगी।

9— (1) नगर पंचायत की ओर से उगाही गयी कर की धनराशि ऐसे प्रासंगिक व्ययों जो राज्य सरकार द्वारा समय-समय पर निर्धारित किये जावें काट लेने के पश्चात् प्रत्येक तिमाही के अन्त में नगर पंचायत को लौटा दी जायेगी, प्रतिदान की धनराशि प्राप्त करने के लिये अधिशासी अधिकारी प्रत्येक तिमाही में कनिष्ठ सचिव, राजस्व परिषद्, उत्तर प्रदेश, इलाहाबाद को फाईनेन्शियल हेड बुक खण्ड-5 भाग के प्रपत्र संख्या-19 में दो प्रतियों में एक बिल प्रस्तुत करेगा, कनिष्ठ सचिव द्वारा बिल स्वीकृत किये जाने के पश्चात् उसकी एक प्रतिलिपि अधिशासी अधिकारी को लौटा दी जायेगी जो स्वीकृत बिल के प्रस्तुत किये जाने पर स्थानीय कोषागार से प्रतिदान का धनराशि प्राप्त करेगा।

(2) नगर पंचायत तम्बौर निबन्धन और स्टाम्प विभाग के कर्मचारियों को ऐसा मासिक/परिश्रामिक का भुगतान भी करेगा, जो नगर पंचायत के पश्चात् के परामर्श से राज्य सरकार निर्धारित करें।

10- अभिलेखों का निरीक्षण—अधिशासी अधिकारी या उसके द्वारा तदर्थ उपविधि प्राधिकृत कोई अन्य व्यक्ति किसी शुल्क का भुगतान किये बिना कर की उगाही और नगर पंचायत को उसकी वापसी के सम्बन्ध में निबन्धन कार्यालय के किसी अभिलेख का निरीक्षण कर सकता है।

तय्यबुन,

अध्यक्ष,

नगर पंचायत तम्बौर, अहमदाबाद,

सीतापुर।

कार्यालय, नगर पंचायत तम्बौर अहमदाबाद, सीतापुर

उत्तर प्रदेश नगर पालिका अधिनियम, 1916 की धारा-298 (1) (2) सूची (1) खण्ड “ज” के भाग “ख” के अधीन प्रदत्त शक्ति का प्रयोग करके नगर पंचायत तम्बौर, अहमदाबाद जनपद-सीतापुर ने अपनी बैठक दिनांक 14.08.2024 के द्वारा नगर पंचायत क्षेत्र की सीमा में “वाहन प्रवेश एवं पार्किंग शुल्क उपनियमावली-2024” बनायी है, प्रस्तावित उपनियमावली पर यदि किसी सम्बन्धित को कोई भी आपत्ति हो, तो अपनी लिखित आपत्ति इस कार्यालय में 15 दिन के अन्दर प्रस्तुत कर सकता है। निर्धारित समयावधि के पश्चात् आपत्ति पर कोई विचार नहीं किया जायेगा। यह उपविधि गजट प्रकाशन के दिनांक से नगर पंचायत तम्बौर अहमदाबाद, सीतापुर की सीमा में प्रभावित होगी। नगर पंचायत तम्बौर, अहमदाबाद द्वारा बोर्ड बैठक दिनांक 27.01.2024 प्रस्ताव संख्या:- 4 द्वारा प्रस्ताव सर्वसम्मति से स्वीकृत किया गया। तत्कम में दैनिक समाचार-पत्रों (हिन्दुस्तान व यूनाईटेड भारत) में कमश: 28.06.2024 व 29.06.

2024 को प्रकाशन कराकर आपत्तियां व सुझाव आमंत्रित किया गया परन्तु निर्धारित समयावधि 15 दिन के अन्दर कोई भी आपत्ति एवं सुझाव प्राप्त नहीं हुआ। तदोपरान्त उपविधि को उसी रूप में स्वीकृति प्रदान की गयी है।

वाहन प्रवेश एवं पार्किंग शुल्क उपनियमावली-2024

1. शीर्षक— यह उपविधि न0पं0 तम्बौर सीतापुर वाहन प्रवेश एवं पार्किंग शुल्क उपनियमावली-2024 कहलायेगी।
2. प्रकृति— यह उपविधि उत्तर प्रदेश साधारण गजट में प्रकाशित होने के दिनांक से नगर पंचायत समिति/विहित प्राधिकारी की स्वीकृति से सीमा में प्रभावी होगी।
3. परिभाषाएँ— विषय का प्रयोग में कोई बात प्रतिकूल न होने पर इन उपविधियों से है।

(क) “नगर पंचायत” से तात्पर्य नगर पंचायत, तम्बौर, अहमदाबाद जनपद, सीतापुर से है।

(ख) “नगर पंचायत की सीमाओं” से तात्पर्य वर्तमान में निर्धारित सीमायें या भविष्य में बढ़ने से निर्धारित होकर प्रभावी होने वाली सीमा से है।

(ग) ‘अधिशाली’ अधिकारी से तात्पर्य नगर पंचायत तम्बौर, अहमदाबाद, सीतापुर के अधिशाली अधिकारी से है।

(घ) ‘अध्यक्ष’ से तात्पर्य नगर पंचायत तम्बौर, अहमदाबाद, सीतापुर के उपजिलाधिकारी लहरपुर/प्रशासक से है।

(ङ) ‘अधिनियम’ से तात्पर्य उ0प्र0 नगर पालिका अधिनियम, 1916 से है।

(च) ‘वाहनों’ से तात्पर्य नगर पंचायत, तम्बौर, अहमदाबाद, सीतापुर की सीमा से गुजरने वाले भार से लदे/सवारी ढोने वाले वाहनों से है।

(छ) ‘कर्मचारी’ का तात्पर्य नगर पंचायत तम्बौर, अहमदाबाद, जनपद सीतापुर के कर्मचारी से है।

(ज) ‘नाका बैरियर’ से तात्पर्य नगर पंचायत, तम्बौर, अहमदाबाद, सीतापुर के नाका बैरियर से है।

(झ) ‘सड़क/पटरियों’ का तात्पर्य नगर पंचायत तम्बौर, अहमदाबाद, जनपद सीतापुर की सीमा अन्तर्गत आने वाले मार्गों प्रान्तीय, गैर प्रान्तीय एवं नगर की सड़क पटरियों से है।

4. शुल्क का विवरण अधिरोपण एवं संग्रह— नगर पंचायत, तम्बौर, अहमदाबाद सीतापुर की सीमा के अन्तर्गत प्रवेश करते वाहनों ट्रक/ट्रैक्टर मय ट्राली, डी0सी0एम0 ट्योटा जो व्यवहारिक दृष्टि से चलते हैं, मोटर लारी रोडवेज, स्टोर वाहन, टाटा सूमो, मार्शल, टैक्सी, मेटाडोर, जीप, भारी वाहन, बस/अन्य डीजल/पेट्रोल/गैस/इलेक्ट्रॉनिक/बैट्री से चलने वाले वाहनों जो व्यापारिक समान उतारने चढ़ाने एवं सवारियां उतारने-चढ़ाने एवं ठहरने वाले वाहनों को नियन्त्रित करने हेतु उपविधि बनायी गई है, जिन पर यह शुल्क लागू होंगे।

5. नगर पंचायत, तम्बौर, अहमदाबाद, जनपद-सीतापुर की सीमा के अन्तर्गत प्रवेश करने वाले वाहन चालक इन नियमों से अपने को नियन्त्रित समझेगा क्योंकि वह प्रान्तीय अथवा नगर पंचायत सड़कों एवं अन्य वाहनों जो नगर पंचायत की सीमा के अन्तर्गत प्रवेश करते हैं की सड़कों एवं पटरियों का प्रयोग करते हैं, वही वाहन चालक अपने वाहनों को तब तक नगर पंचायत, तम्बौर की सीमा में प्रवेश नहीं करेगा जब तक देय शुल्क का भुगतान न कर दें। यह शुल्क मोहर्रिर/नायब राजस्व मोहर्रिर/ठेकेदार को दिया जायेगा। जहाँ पर नगर पंचायत, तम्बौर, सीतापुर निश्चित करेगी।

6. प्रत्येक वाहन चालक अपने वाहन निर्धारित स्थान या नगर की सीमा में किसी स्थान पर माल उतारने, चढ़ाने एवं सवारियां उतारने-चढ़ाने एवं ठहरने वाले वाहनों से मोहर्रिर/नायब राजस्व मोहर्रिर/ठेकेदार जैसी स्थित हो उनसे शुल्क वसूल कर रसीद दे सकें।
7. इस प्रकार की रसीद प्राप्त करने वाला व्यक्ति नगर पंचायत तम्बौर, अहमदाबाद के अध्यक्ष/प्रभारी अधिकारी/अधिशासी अधिकारी तथा उनके द्वारा अधिकृत कर्मचारी के द्वारा मांगे जाने पर रसीद दिखाने के लिये बाध्य होगा एवं दिखलायेगा जो जॉचोपरान्त उसे विधिवत वापस कर दिया जायेगा।
8. नगर पंचायत तम्बौर, अहमदाबाद, उपजिलाधिकारी लहरपुर/प्रशासक/अधिशासी अधिकारी को पूर्ण अधिकार होगा कि निर्धारित स्थान एक स्थान से दूसरे स्थान पर स्थानान्तरित करने परन्तु ऐसा करने के लिये उसे कम से कम 24 घण्टे पूर्व सूचना जारी करनी होगी।
9. यदि कोई वाहन बिना शुल्क अदा किये नगर पंचायत, तम्बौर, अहमदाबाद की सीमा के अन्दर पाया गया तो अधिशासी अधिकारी/उपजिलाधिकारी लहरपुर/प्रशासक या उसके द्वारा अधिकृत जॉच अधिकारी को यह अधिकार होगा कि वह उस व्यक्ति से निर्धारित शुल्क के अतिरिक्त शुल्क का कम से कम चार गुना और अधिक से अधिक 20 गुना दण्ड के रूप में दण्ड वसूल कर रसीद देगा।
10. यदि कोई भी वाहन बगैर शुल्क अदा किये भाग जाने पर चालक का पूरा पता अथवा गाड़ी नम्बर जो भी हो उसके विरुद्ध भारतीय दण्ड प्रक्रिया संहिता के तहत कानूनी कार्यवाही का अधिकार होगा।
11. यह कि नगर पंचायत चाहे तो वाहन प्रवेश एवं पार्किंग शुल्क की वसूली का वार्षिक अथवा उसके किसी भाग का ठेका दे सकती है ऐसी स्थिति में ठेकेदार निर्धारित दरों पर शुल्क वसूल कर रसीद नियमानुसार जारी करेगा तथा पार्किंग शुल्क अवशेष होने पर पार्किंग शुल्क की वसूली भू-राजस्व की भांति की जा सकेगी।

शुल्क से मुक्ति

12. निम्न वाहन प्रवेश एवं पार्किंग शुल्क से मुक्त होंगे।

(क) मृत पार्टी ले जाने वाले समस्त वाहन या एम्बुलेंस।

(ख) सरकारी कर्मचारियों के स्थानान्तरण पर उनका घरेलू सामान जो किसी भार वाहन पर हो किन्तु प्रतिबन्ध यह रहेगा कि सम्बन्धित विभाग द्वारा प्रमाण-पत्र दिया जावे, जो मांगने पर दिया जावे।

(ग) अन्य सरकारी वाहन (रोडवेज को छोड़कर) जो सरकारी ड्यूटी पर हो किन्तु प्रतिबन्ध यह है कि सम्बन्धित विभाग द्वारा प्रमाण-पत्र दिया जाये।

(घ) नगर सीमा के अन्दर बिना रुके सीधे जाने वाले वाहन।

प्रतिबन्ध

13. नगर पंचायत तम्बौर, अहमदाबाद, जनपद, सीतापुर की सीमा में प्रवेश करने वाले तिपहिया, बस, टैम्पो, ट्रू, सीटर एवं विक्रम नगर के अन्दर चलने वाले ऑटो रिक्शा एवं श्री व्हीलर की निम्नलिखित स्थान पर खड़े होने एवं सवारी उतारने एवं चढ़ाने हेतु निर्धारित किये जाते हैं।

(क) तम्बौर-काशीपुर रोड।

(ख) रेउसा मोड़ लहरपुर रोड।

(ग) रेउसा मोड़ रेउसा रोड।

(घ) प्राइवेट बस स्टाप के पास।

14. कोई भी प्राइवेट बस, लारी, मिनीबस, जीप, टैक्सी, टैम्पो इत्यादि जो सवारियां ढोती हैं वह उत्तर प्रदेश परिवहन निगम के बस स्टैण्ड से 1 किमी० परिधि में सवारी उतारने व चढ़ाने हेतु न तो गाड़ी पार्किंग करेगा और न ही सवारी भरेगा। उल्लंघन की दशा में अर्थदण्ड का भागी होगा।
15. अध्यक्ष, नगर पंचायत, तम्बौर, अहमदाबाद, सीतापुर को यह अधिकार होगा कि किसी भी विवाद के उल्लंघन होने पर उनका निर्णय अन्तिम होगा तथा उपनियम के किसी भी धारा में आवश्यक पड़ने पर संशोधन करने का अधिकारी होगा, परन्तु प्रतिबन्ध यह है कि निर्धारित स्थान से आगे शहरी आवादी में प्रतिबन्धित गाड़ियों को अनुमति नहीं दी जायेगी।

शुल्क का विवरण

16. नगर पंचायत तम्बौर, अहमदाबाद, जनपद सीतापुर की सीमा में प्रवेश एवं ठहरने वाले वाहनों से निम्न सारणी के अनुसार शुल्क वसूली करेगी।

(1) प्रत्येक मोटर, मोटर लारी, बस (रोडवेज प्राइवेट बस), ट्रक तथा अन्य डीजल अथवा पेट्रोल से चलने वाले वाहन आदि	रु० 50.00 प्रति चक्कर (परन्तु एक दिन के लिये रु० 100.00 प्रतिदिन)
(2) ट्रैक्टर ट्राली।	रु० 20.00 प्रति चक्कर (प्रतिदिन रु० 50.00)
(3) मिनी बस, छोटा ट्रक, मेटाडोर इत्यादि।	रु० 30.00 प्रति चक्कर (प्रतिदिन रु० 70.00)
(4) टैक्सी, मार्शल जीप, टैम्पो इत्यादि।	रु० 25.00 प्रति चक्कर (प्रतिदिन रु० 60.00)
(5) तांगा, ई-रिक्शा।	रु० 5.00 प्रति चक्कर (प्रतिदिन रु० 20.00)

शास्ति

उत्तर प्रदेश नगर पालिका अधिनियम, 1916 की धारा-299 (1) द्वारा प्रदत्त अधिकारों का प्रयोग करके नगर पंचायत तम्बौर, अहमदाबाद, जनपद सीतापुर, यह निर्देश देती है कि उपरोक्त नियमों के किसी अनुच्छेद का उल्लंघन करने पर अर्थदण्ड दिया जायेगा, जो रु० 1000.00 तक हो सकता है। यदि निरन्तर जारी रहे तो प्रत्येक दिन के लिये जिसके बारे में सिद्ध हो जाये कि अपराध करता चला आ रहा है तो रु० 25.00 अर्थदण्ड प्रतिदिन उपरोक्त के अतिरिक्त किया जायेगा। अर्थदण्ड अदा न करने पर 6 मास का कारावास का दण्ड दिया जा सकेगा।

तय्यबुन,
अध्यक्ष,
नगर पंचायत तम्बौर अहमदाबाद,
सीतापुर।

सूचना

सर्वसाधारण को सूचित किया जाता है कि मेरा सही नाम सिद्धार्थ तिवारी (SIDDHARTH TIWARI) पुत्र विनय कृष्ण तिवारी है, जो मेरे शैक्षणिक अभिलेखों में अंकित है जो कि सही है लेकिन त्रुटिवश मेरे आधार कार्ड सं0-7922 1887 4782 में मेरा नाम सिद्धान्त तिवारी (SIDDHANTH TIWARI) अंकित हो गया है जो कि गलत है, भविष्य में मुझे सही नाम सिद्धार्थ तिवारी (SIDDHARTH TIWARI) पुत्र विनय कृष्ण तिवारी के नाम से जाना व पहचाना जाये।

एतद्वारा प्रमाणित किया जाता है कि उपर्युक्त के सम्बन्ध में समस्त विधिक औपचारिकताये स्वयं मेरे द्वारा पूर्ण की गई है।

सिद्धार्थ तिवारी,
पता-447 बक्शी खुर्द, दारागंज,
कच्ची सड़क इलाहाबाद, प्रयागराज।

सूचना

सर्वसाधारण को सूचित किया जाता है कि मेरी पुत्री का सही नाम आरुही सिंह पुत्री प्रवीन कुमार जो उसके जन्म प्रमाण पत्र में अंकित है। त्रुटिवश मेरे पुत्री के आधार कार्ड सं0-2187 6316 7040 में उसका नाम पीहू सिंह अंकित हो गया है। उसका घरेलू नाम है। भविष्य में मेरे पुत्री को उसके सही नाम आरुही सिंह पुत्री प्रवीन कुमार के नाम से जाना व पहचाना जाय।

प्रमाणित किया जाता है कि उपर्युक्त के सम्बन्ध में समस्त विधिक औपचारिकताये स्वयं मेरे द्वारा पूर्ण की गई है।

प्रवीन कुमार,
पता-नीवी नैनी, नैनी, प्रयागराज।

सूचना

सर्वसाधारण को सूचित किया जाता है कि मेरा सही नाम जियान राम पुत्र पवारु है जो मेरे शैक्षिक अभिलेखों व पैन कार्ड में अंकित है त्रुटिवश मेरे आधार कार्ड में मेरा नाम जीवन उर्फ जियान राम अंकित हो गया है जो कि गलत है। भविष्य में मुझे मेरे सही नाम जियान राम पुत्र पवारु के नाम से जाना व पहचाना जाय।

एतद्वारा प्रमाणित किया जाता है कि उपर्युक्त के सम्बन्ध में समस्त विधिक औपचारिकताये स्वयं मेरे द्वारा पूर्ण की गई है।

जियान राम,
पुत्र पवारु,
पता- 7/469, रजनी खण्ड,
शारदा नगर योजना,
रायबरेली रोड, एल0डी0ए0, लखनऊ।

सूचना

सर्वसाधारण को सूचित किया जाता है कि मेरे पुत्र का सही नाम सुंदरम पुत्र रामचन्द्र गुप्ता है, जो उसके आधार कार्ड में अंकित है। मैंने अपने पुत्र का स्वास्थ्य ठीक न रहने के कारण अपने ज्योतिषाचार्य के अनुसार उसका नाम सुंदरम से बदलकर कार्तिक गुप्ता रख लिया है। भविष्य में मेरे पुत्र को कार्तिक गुप्ता पुत्र रामचन्द्र गुप्ता के नाम से जाना व पहचाना जाए।

एतद्वारा प्रमाणित किया जाता है कि उपर्युक्त के सम्बन्ध में समस्त विधिक औपचारिकताये स्वयं मेरे द्वारा पूर्ण की गई है।

रामचन्द्र गुप्ता,
नि0-ग्राम व पोस्ट महावीर छपरा,
जंगल रानी सोहास कुंवारी, पोस्ट भोवापार,
गोरखपुर।

सूचना

सर्वसाधारण को सूचित किया जाता है कि मेरे पुत्र का सही नाम शुभम पुत्र रामचन्द्र गुप्ता है, जो उसके आधार कार्ड में अंकित है। मैंने अपने पुत्र का स्वास्थ्य ठीक न रहने के कारण अपने ज्योतिषाचार्य के अनुसार उसका नाम शुभम से बदलकर अनमोल गुप्ता रख लिया है। भविष्य में मेरे पुत्र को अनमोल गुप्ता पुत्र रामचन्द्र गुप्ता के नाम से जाना व पहचाना जाए।

एतद्वारा प्रमाणित किया जाता है कि उपर्युक्त के सम्बन्ध में समस्त विधिक औपचारिकताये स्वयं मेरे द्वारा पूर्ण की गई है।

रामचन्द्र गुप्ता,
नि0-ग्राम व पोस्ट महावीर छपरा,
जंगल रानी सोहास कुंवारी, पोस्ट भोवापार,
गोरखपुर।

सूचना

सर्वसाधारण को सूचित किया जाता है कि मेरी पुत्री का सही नाम समिया खान पुत्री मोहम्मद इरफान है जो कि उसके शैक्षणिक अभिलेखों में अंकित है। त्रुटिवश मेरी पुत्री के आधार कार्ड संख्या-2834 8019 3560 में उसका नाम जीनिया इरफान अंकित हो गया है जो कि गलत है। भविष्य में मेरी पुत्री को उसके सही नाम समिया खान पुत्री मोहम्मद इरफान के नाम से जाना व पहचाना जाए।

एतद्वारा प्रमाणित किया जाता है कि उपर्युक्त के सम्बन्ध में समस्त विधिक औपचारिकताये स्वयं मेरे द्वारा पूर्ण की गई है।

फरहा खान,
पत्नी मोहम्मद इरफान,
पता-मं0 नं0-542/केबी 210,
किशोर विहार कालोनी,
कैम्पवेल रोड, लखनऊ, उत्तर प्रदेश।

सूचना

सर्वसाधारण को सूचित किया जाता है कि मेरा सही नाम कु0 प्रिया पटेल (KM PRIYA PATEL) पुत्री राम सजीवन पटेल है, जो मेरे शैक्षिक अभिलेख में अंकित है। त्रुटिवश मेरे आधार कार्ड संख्या-4760 1366 3742 में मेरा नाम आरती देवी अंकित हो गया है, जो कि गलत है। भविष्य में मुझे मेरे सही नाम कु0 प्रिया पटेल पुत्री राम सजीवन पटेल के नाम से जाना व पहचाना जाय।

एतद्वारा प्रमाणित किया जाता है कि उपर्युक्त के सम्बन्ध में समस्त विधिक औपचारिकताये स्वयं मेरे द्वारा पूर्ण की गई है।

कु0 प्रिया पटेल,
पुत्री राम सजीवन पटेल,
नि0-ग्राम पौसिया दूबे, पोस्ट मेजा रोड,
तहसील मेजा, जनपद प्रयागराज।

सूचना

सर्वसाधारण को सूचित किया जाता है मेरा सही नाम अमर जीत राम पुत्र मिश्री राम है। जो मेरे शैक्षिक अभिलेख में अंकित है। त्रुटिवश मेरे आधार कार्ड संख्या-

4972 9236 4695 में मेरा नाम प्यारे लाल अंकित हो गया है जो कि गलत है। भविष्य में मुझे मेरे सही नाम अमर जीत राम पुत्री मिश्री राम के नाम से जाना व पहचाना जाय।

एतद्वारा प्रमाणित किया जाता है कि उपरोक्त के सम्बन्ध में समस्त विधिक औपचारिकताये स्वयं मेरे द्वारा पूर्ण की गई है।

अमर जीत राम,
पता- ग्राम व पोस्ट मेढ़ान,
थाना धीना (चन्दौली),
जिला चन्दौली उ0प्र0।

सूचना

सर्वसाधारण को सूचित किया जाता है कि मेरी पुत्री का सही नाम आराध्या यशस्विनी (Aradhya Yashasvini) पुत्री जय सिंह यादव है, जो उसके विद्यालय के अभिलेखों एवं जन्म प्रमाण पत्र में अंकित है। त्रुटिवश आधार कार्ड संख्या-3490 8631 4377 में मेरी पुत्री का नाम आराध्या यादव (Aradhya Yadav) अंकित हो गया है, जो उसका घर का नाम है। भविष्य में मेरी पुत्री को उसके सही नाम आराध्या यशस्विनी (Aradhya Yashasvini) पुत्री जय सिंह यादव के नाम से जाना व पहचाना जाये।

एतद्वारा प्रमाणित किया जाता है कि उपरोक्त के सम्बन्ध में समस्त विधिक औपचारिकताये स्वयं मेरे द्वारा पूर्ण की गई है।

Jai Singh Yadav,
पता-46/H, सरस्वती नगर,
(सरस्वती गोयल स्कूल के पीछे)
पो0-रतरपुर, जिला रायबरेली।

सूचना

सर्वसाधारण को सूचित किया जाता है कि मेरा सही नाम सुखपती पत्नी सुखराम निवासिनी-12 वाजिदपुर मनौरी, जनपद प्रयागराज है। मेरे पैन कार्ड राशन कार्ड, बैंक पासबुक व निर्वाचन कार्ड में मेरा नाम सुखपती अंकित है जो पूर्णरूपेण सही है। त्रुटिवश मेरे आधार कार्ड संख्या-7778 8682 9483 में मेरा नाम सूरज कली अंकित हो गया है। भविष्य में मुझे मेरे सही नाम सुखपती पत्नी सुखराम के नाम से जाना व पहचाना जाय।

एतद्द्वारा प्रमाणित किया जाता है कि उपर्युक्त के सम्बन्ध में समस्त विधिक औपचारिकताये स्वयं मेरे द्वारा पूर्ण की गई है।

सुखपती,
पत्नी सुखराम,
निवासिनी-12 वाजिदपुर मनौरी,
जनपद प्रयगाराज।

सूचना

सर्वसाधारण को सूचित किया जाता है कि मेरे पुत्र का सही नाम मोहम्मद इमाद (Mohd Emaad) पुत्र नजमुल हुदा है। जो कि उसके जन्म प्रमाण पत्र में अंकित है। त्रुटिवश मेरे पुत्र के आधार कार्ड सं0-3859 2242 4259 में उसका नाम (Mohd Amaad) अंकित हो गया है जो कि गलत है। भविष्य में मेरे पुत्र को सही नाम (Mohd Emaad) पुत्र नजमुल हुदा है के नाम से जाना व पहचाना जाये।

एतद्द्वारा प्रमाणित किया जाता है कि उपर्युक्त के सम्बन्ध में समस्त विधिक औपचारिकताये स्वयं मेरे द्वारा पूर्ण की गई है।

रफत बानो,
पत्नी नजमुल हुदा,
पता-अकबरपुर सल्लाहपुर,
पो0-मनौरी हटवा उपरहार इलाहाबाद।

सूचना

सर्वसाधारण को सूचित किया जाता है कि मेरे पुत्र का सही नाम सार्वम्भ बरनवाल पुत्र नीरज कुमार बरनवाल है जो उसके शैक्षिक अभिलेख में अंकित है। त्रुटिवश मेरे पुत्र के आधार कार्ड सं0-5275 9941 4430 में उसका नाम नित्यम बरनवाल अंकित हो गया है जो कि गलत है। भविष्य में मेरे पुत्र को उसके सही नाम सार्वम्भ बरनवाल पुत्र नीरज कुमार बरनवाल के नाम से जाना व पहचाना जाए।

एतद्द्वारा प्रमाणित किया जाता है कि उपर्युक्त के सम्बन्ध में समस्त विधिक औपचारिकताये स्वयं मेरे द्वारा पूर्ण की गई है।

नीरज कुमार बरनवाल,
निवासी चन्द्रशेखर नगर, रामपुर,
महावाल, खोरीपाकर, बलिया।

सूचना

सर्वसाधारण को सूचित किया जाता है कि मेरी माता का सही नाम शिखा गुप्ता है जो कि उनके आधार कार्ड सं0-3885 5374 2870/पैनकार्ड/हाईस्कूल अंकपत्र तथा मेरे हाईस्कूल अंकपत्र में भी अंकित है। त्रुटिवश मेरे इण्टरमीडिएट के प्रमाण पत्र अनुक्रमांक सं0 23789271 में मेरी माता का नाम शिखा अग्रहरी हो गया है जो कि गलत है।

एतद्द्वारा प्रमाणित किया जाता है कि उपर्युक्त के सम्बन्ध में समस्त विधिक औपचारिकताये स्वयं मेरे द्वारा पूर्ण की गई है।

शांखी अग्रहरी,
पता-नहर रोड वार्ड नं0-19 सुभाष नगर,
नौतनवा बाजार, महाराजगंज, उ0प्र0।

सूचना

सर्वसाधारण को सूचित किया जाता है कि मेसर्स राजा कान्हेक्टर एण्ड इंजीनियर, पता-एसएफ-31, शास्त्री नगर, गजियाबाद की साझेदारी में श्री मोहित गुप्ता, श्री लेखांश गुप्ता एवं श्रीमती रजनी गुप्ता साझीदार थे। संशोधित साझेदारी डीड दिनांक 08 अप्रैल, 2025 के अनुसार फर्म से श्री मोहित गुप्ता अपना हिस्सा किताब ले व देकर अपनी स्वेच्छा से फर्म से अलग हो गये हैं तथा संशोधित साझेदारी डीड दिनांक 08 अप्रैल, 2025 के अनुसार फर्म में श्रीमती माधुरी गुप्ता नयी साझीदार आ गयी है। संशोधित साझेदारी डीड दिनांक 08 अप्रैल, 2025 के अनुसार वर्तमान में फर्म में श्री रजनी गुप्ता, श्री लेखांश गुप्ता एवं श्रीमती माधुरी गुप्ता साझीदार हैं। जिसकी सभी को पूर्ण जानकारी है।

एतद्द्वारा प्रमाणित किया जाता है कि उक्त के सम्बन्ध में समस्त विधिक औपचारिकताये स्वयं मेरे द्वारा पूर्ण की गई है।

लेखांश गुप्ता,
साझीदार,
मेसर्स राजा कान्हेक्टर एण्ड इंजीनियर,
पता-एसएफ-31, शास्त्री नगर,
गजियाबाद।

सूचना

सर्वसाधारण को सूचित करना है कि मेसर्स कुमार फिलिंग स्टेशन, खसरा नं0-1218, औरंगाबाद, बुलन्दशहर स्याना रोड, जिला- बुलन्दशहर-203001 की साझीदारी में श्रीमती विटा एवं श्री उज्जवल सिंघल साझीदार थे। दिनांक 04 मार्च, 2025 की विघटित साझीदारीनामा के अनुसार दोनों साझीदारों श्रीमती विटा एवं श्री उज्जवल सिंघल की आपसी सहमति से फर्म की साझीदारी को विघटित कर किया गया है। फर्म पर किसी भी वित्तीय संस्थान/बैंक/व्यक्ति का ऋण/देयता नहीं है। यदि पाई जाती है तो समस्त जिम्मेदारी हम साझीदारों की संयुक्त रूप से होगी।

एतद्वारा प्रमाणित किया जाता है कि उक्त के सम्बन्ध में समस्त विधिक औपचारिकताये स्वयं मेरे द्वारा पूर्ण की गई है।

विटा,
साझीदार,
मेसर्स कुमार फिलिंग स्टेशन,
खसरा नं0-1218, औरंगाबाद,
बुलन्दशहर स्याना रोड,
जिला- बुलन्दशहर।

सूचना

सर्वसाधारण को सूचित किया जाता है कि नरेन्द्र प्लास्ट इन्डस्ट्रीज पता खसरा नं0 1265-1267 ग्राम मोरटा एण्ड खसरा नं0 14 ग्राम रसूलपुर यकूतपुर मेरठ रोड जिला गाजियाबाद उत्तर प्रदेश की पार्टनरशिप दिनांक 18 अप्रैल, 2014 को हुई थी। जिसके अनुसार फर्म में दो पार्टनर थे। (1) श्री लोकेश कुमार पुत्र स्व0 नरेन्द्र कुमार (2) श्री मयंक अग्रवाल पुत्र श्री विजेन्द्र कुमार अग्रवाल थे। संशोधित साझेदारी के अनुसार दिनांक 01 अप्रैल, 2025 की संशोधित साझेदारी के अनुसार साझेदार नं0 (1) श्री लोकेश कुमार पुत्र स्व0 नरेन्द्र कुमार स्वेच्छा से इस फर्म से अलग हो गये हैं इनका इस फर्म से अब कोई लेना देना व बकाया नहीं है तथा इनके स्थान पर दिनांक 01 अप्रैल, 2025 को नई साझीदार श्रीमती अंशुल अग्रवाल पुत्री श्री पवन सिंघल स्वेच्छा से इस फर्म में नई साझेदार हो गई है तथा अब इस फर्म में अब क्रम से दो

पार्टनर हो गये हैं। (1) श्री मयंक अग्रवाल पुत्र श्री विजेन्द्र कुमार अग्रवाल (2) श्रीमती अंशुल अग्रवाल पुत्री श्री पवन सिंघल है।

मयंक अग्रवाल,
साझेदार

सूचना

सूचित किया जाता है कि फर्म-मे0, जय मॉ गंगे इंटरप्राइजेज, मोहल्ला परा, फरीदपुर जिला बरेली यू0पी0 243503 (पंजीकरण संख्या : BAR/0007203) फर्म में 03 साझेदार- चोखेलाल, अनोखेलाल, महेन्द्र पाल सिंह थे साझेदारों की रजामन्दी से दिनांक 04 अप्रैल, 2025 को फर्म में एक नये साझेदार विजय कुमार शामिल किये गये हैं तथा फर्म से दो साझेदार अनोखेलाल एवं महेन्द्र पाल सिंह स्वेच्छा से दिनांक 04 अप्रैल, 2025 को अवकाश ग्रहण करके फर्म से अलग हो गये हैं। अवकाश ग्रहण साझेदार का सारा हिसाब-किताब चुकता हो गया है, साझेदार का फर्म/साझेदारों पर या फर्म का साझेदार पर कोई लेन-देन बकाया नहीं है। अब फर्म में कुल 02 साझेदार चोखेलाल एवं विजय कुमार हैं। फर्म में एवं साझेदारों में कोई विवाद नहीं है।

एतद्वारा प्रमाणित किया जाता है कि उक्त के सम्बन्ध में समस्त विधिक औपचारिकताये स्वयं मेरे द्वारा पूर्ण की गई है।

चोखेलाल,
साझेदार,
मेसर्स जय मॉ गंगे इंटरप्राइजेज,
बरेली उ0प्र0।

सूचना

सर्वसाधारण को सूचित किया जाता है कि फर्म M/s कुमार बुड्स, निकट गोपाल गोशाला, दिल्ली रोड, मेरठ-250002 पंजीकरण संख्या- MEE/0011425 दिनांक 16 मार्च, 2022 कि पार्टनरशीप डीड दिनांक 01 अप्रैल, 1993 के अनुसार पार्टनर अतुल कुमार, राजीव बंसल, अनिल कुमार गुप्ता थे। फर्म की रिटायरमेंट कम एडमिशन पार्टनरशीप डीड दि0 01 दिसम्बर, 2023 के

द्वारा नवीन साझेदार श्री अनुभव बंसल को फर्म साझेदारी में सम्मिलित किया गया है व अतुल कुमार फर्म से सेवानिवृत्त हो गये हैं। फर्म में वर्तमान साझेदार— 1. अनिल कुमार गुप्ता, 2. राजीव कुमार बंसल, 3. अनुभव बंसल है। फर्म पार्टनर अनिल कुमार गुप्ता का पता—6—श्री रामवाटिका, ट्रांसपोर्ट नगर मेरठ व राजीव बंसल का पता—4, श्री रामवाटिका, ट्रांसपोर्ट नगर मेरठ हो गया है।

अनिल कुमार गुप्ता,
साझेदार

सूचना

सर्वसाधारण को सूचित किया जाता है कि फर्म मे0 होटल एग्लो, 09—10, लखीराम एन्क्लेव, अपो0 होटल जे0पी0 पैलेस, फतेहाबाद रोड, जिला आगरा में स्थित है उपरोक्त फर्म में श्री अनुप कुमार गुप्ता, श्री मुकुल गुप्ता, श्री आशीष महाजन, श्री अजय महाजन निवासीगण जिला आगरा हम सभी साझेदारों ने अपनी फर्म दिनांक 01 अगस्त, 2016 को संचालन की थी। दिनांक 25 जनवरी, 2025 से समय प्रातः 10:00 श्री अजय महाजन पुत्र श्री विपिन महाजन निवासी 4/4, विभव नगर, आगरा फर्म से पृथक हो गये हैं एवं दिनांक 25 जनवरी, 2025 से समय सांय 5:00 फर्म में साझेदार हो गये हैं। अब फर्म को श्री अनुप कुमार गुप्ता, श्री मुकुल गुप्ता, श्री आशीष महाजन, श्री अजय महाजन हम सभी साझेदार के रूप में संचालित करेंगे।

अनुप कुमार गुप्ता,
साझेदार

सूचना

सर्वसाधारण को सूचित किया जाता है कि फर्म मे0 राज विजय कॉर्पोरेशन (यूनिट—1), 164 इण्डस्ट्रियल एस्टेट नुनिहाई आगरा में स्थित है उपरोक्त फर्म में श्री सुरेन्द्र कुमार खन्ना, श्री गगन खन्ना, श्रीमती पूनम खन्ना, श्री मुदित खन्ना निवासीगण लॉयर्स कॉलोनी, जिला आगरा हम सभी साझेदारों ने अपनी फर्म दिनांक 01

अप्रैल, 2020 को संचालन की थी। दिनांक 02 जून, 2021 को श्रीमती पूनम खन्ना की मृत्यु हो गई है एवं दिनांक 01 अप्रैल, 2023 से श्रीमती रितु खन्ना पत्नी श्री गगन खन्ना निवासी डी—25, 26 निर्भय नगर आगरा फर्म में साझेदार हो गई है। अब फर्म को श्री सुरेन्द्र कुमार खन्ना, श्री गगन खन्ना श्रीमती रितु खन्ना, श्री मुदित खन्ना हम सभी साझेदार के रूप में संचालित करेंगे।

सुरेन्द्र कुमार खन्ना,
साझेदार।

मे0 राज विजय कॉर्पोरेशन,
(यूनिट—1), 164 इण्डस्ट्रियल एस्टेट,
नुनिहाई आगरा।

सूचना

एतत् द्वारा सूचित किया जाता है कि मेसर्स—श्री बालाजी कान्हेक्टर्स, पीताम्बर गंज रेलवे गंज, हरदोई की साझेदारी फर्म 1932 साझेदारी अधिनियम के अन्तर्गत लखनऊ से पंजीकृत है फर्म में तीन साझेदार अंशु जैन पुत्र श्री सुशील जैन, श्री गौरव गुप्ता पुत्र श्री शिव रतन एवं श्री पीयूष गुप्ता पुत्र श्री दिनेश चन्द्र गुप्ता साझेदार थे जिससे एक नये साझेदार श्री तेज पाल सिंह पुत्र स्व0 त्रिलोक शामिल हो गये हैं तथा इसी दिनांक 15 अप्रैल, 2025 से फर्म की साझेदारी से पुराने दो श्री गौरव गुप्ता एवं श्री पीयूष गुप्ता फर्म की साझेदारी से आपसी सहमति से निकल गये हैं। वर्तमान में दो साझेदार क्रमशः अंशु जैन एवं भी तेज पाल सिंह साझेदार हैं।

अंशु जैन,
साझेदार,
श्री बालाजी कान्हेक्टर्स,
जिला—हरदोई।

सूचना

सर्वसाधारण को सूचित किया जाता है कि M/S Shanti Stone Mill, Add- H.O. Aliganj, Banda, District Banda (UP) वर्तमान में पंजीकृत फर्म जिसके साझेदारों का विवरण निम्न प्रकार है।—

1-Keshav Babu Shivhare

- 2-Shivshankar Shivhare
- 3-Vishnu Shanker Shivhare
- 4-Om Prakash
- 5-Anoop Kumar Shivhare

जिसमें दिनांक 27 अगस्त, 2010 को Om Prakash जी की मृत्यु हो गयी है एवं उनके स्थान पर नये साझेदार दिनांक 28 अगस्त, 2010 से Neetu Shivhare शामिल हो रही है एवं दिनांक 11 फरवरी, 2025 से Anoop Kumar Shivhare अपनी स्वेच्छा से पृथक हो रहे हैं।

एतद्वारा प्रमाणित किया जाता है कि उक्त के सम्बन्ध में समस्त विधिक औपचारिकताये स्वयं मेरे द्वारा पूर्ण की गई है।

Keshav Babu Shivhare,
साझेदार,
M/S Shanti Stone Mill,
Add- H.O. Aliganj, Banda,
District Banda .

सूचना

सर्वसाधारण को सूचित किया जाता है कि मेरी पुत्री का सही नाम निहारिका पुत्री शिव कुमार है जो उसके शैक्षिक अभिलेख में अंकित है। त्रुटिवश मेरी पुत्री के आधार कार्ड सं0-4185 7426 2274 में उसका नाम कुमारी निहारिका अंकित हो गया है जो कि गलत है। भविष्य में मेरी पुत्री को उसके सही नाम निहारिका पुत्री शिव कुमार के नाम से जाना व पहचाना जाए।

एतद्वारा प्रमाणित किया जाता है कि उपर्युक्त के सम्बन्ध में समस्त विधिक औपचारिकताये स्वयं मेरे द्वारा पूर्ण की गई है।

शिव कुमार,
पुत्र श्री नाथू राम,
निवासी जलालपुर, अनेसो,
औरैया (उ0प्र0)।

सूचना

सर्वसाधारण को सूचित किया जाता है कि मेरी पुत्री का सही नाम रक्षा गुप्ता (RAKSHA GUPTA) पुत्री स्व0 सुरेन्द्र कुमार गुप्ता है जो उसके शैक्षिक

अभिलेख में अंकित है। त्रुटिवश मेरी पुत्री के आधार सं0-5499 9133 0412 में उसका नाम पायल गुप्ता (PAYAL GUPTA) अंकित हो गया है जो कि गलत है। भविष्य में मेरी पुत्री को उसके सही नाम रक्षा गुप्ता (RAKSHA GUPTA) पुत्री स्व0 सुरेन्द्र कुमार गुप्ता के नाम से जाना व पहचाना जाय।

एतद्वारा प्रमाणित किया जाता है कि उपरोक्त के सम्बन्ध में समस्त विधिक औपचारिकताये स्वयं मेरे द्वारा पूर्ण की गई है।

श्रीमती गुंजा गुप्ता,
पत्नी स्व0 सुरेन्द्र कुमार गुप्ता,
निवासिनी-5बी/2सी/1 चकदोंदी,
नैनी, परगना अरैल,
तहसील करछना जिला प्रयागराज।

सूचना

सर्वसाधारण को सूचित किया जाता है कि मेरा सही नाम जय कृष्ण वाधवानी (Jai Krishan Wadhawani) पुत्र अशोक कुमार वाधवानी है जो मेरे समस्त शैक्षिक अभिलेखों में अंकित है। त्रुटिवश मेरे आधार कार्ड सं0-3170 5219 8164 में मेरा नाम (Jai Krishan Wadhawani) अंकित हो गया है जो कि गलत है। भविष्य में मुझे मेरे सही नाम जय कृष्ण वाधवानी (Jai Krishan Wadhawani) पुत्र अशोक कुमार वाधवानी के नाम से जाना व पहचाना जाए।

एतद्वारा प्रमाणित किया जाता है कि उपर्युक्त के सम्बन्ध में समस्त विधिक औपचारिकताये स्वयं मेरे द्वारा पूर्ण की गई है।

जय कृष्ण वाधवानी,
पुत्र अशोक कुमार वाधवानी,
निवासी-99/2ए/369 लूकरगंज,
प्रयागराज।

सूचना

सर्वसाधारण को सूचित किया जाता है कि मेरी पुत्री का सही नाम सिद्धि पुत्री विष्णु मेहरोत्रा है जो कि

उसके शैक्षिक अभिलेख में अंकित है। मैंने अपनी पुत्री के स्वास्थ्य ठीक न रहने के कारण अपने ज्योतिषाचार्य के अनुसार उसका नाम सिद्धि से बदल कर समृद्धि मेहरोत्रा रख लिया है जो उसके आधार कार्ड में भी अंकित है। भविष्य में मेरी पुत्री को समृद्धि मेहरोत्रा पुत्री विष्णु मेहरोत्रा के नाम से जाना व पहचाना जाय।

एतद्वारा प्रमाणित किया जाता है कि उपरोक्त के सम्बन्ध में समस्त विधिक औपचारिकताये स्वयं मेरे द्वारा पूर्ण की गई है।

विष्णु मेहरोत्रा,
पता—जिला अस्पताल परिसर,
सिविल लाइन, इटावा।

सूचना

एतद्वारा सूचित किया जाता है कि फर्म मेसर्स—दि सोलुसन,1/065 रुचि खंड-2 शारदा नगर लखनऊ से पंजीकृत है। यह कि दो साझेदार— श्री योगेश्वर राम मिश्र पुत्र स्व० जीवन राम मिश्र एवं श्री अनादी राम मिश्र पुत्र श्री योगेश्वर राम मिश्र साझेदार थे। दिनांक 07 जनवरी, 2025 को एक नयी साझेदारी बनी जिसमें, श्री योगेश्वर राम मिश्र पुत्र स्व० जीवन राम मिश्र निकल रहे हैं तथा इसी तिथि से तीन साझेदार क्रमशः श्रीमती सुधा मिश्रा पत्नी श्री योगेश्वर राम मिश्र, श्री अनंत राम मिश्र पुत्र श्री योगेश्वर राम मिश्र एवं शाम्भवी मिश्रा पुत्री श्री योगेश्वर राम मिश्र शामिल हो रहे हैं वर्तमान में चार साझेदार क्रमशः श्री अनादी राम मिश्र पुत्र श्री योगेश्वर राम मिश्र, श्रीमती सुधा मिश्रा पत्नी श्री योगेश्वर राम मिश्र, श्री अनंत राम मिश्र पुत्र श्री योगेश्वर राम मिश्र एवं शाम्भवी मिश्रा पुत्री श्री योगेश्वर राम मिश्र है। जिसमें मुझे कोई आपत्ति नहीं है।

अनादी राम मिश्र,
साझेदार,
मेसर्स-दि सोलुसन,1/065 रुचि खंड-2,
शारदा नगर लखनऊ।

सूचना

एतद्वारा सूचित किया जाता है कि फर्म मेसर्स—अदा, 73 हजरतगंज लखनऊ से पंजीकृत है। यह कि दो

साझेदार— श्रीमती कविता अर्जनदास पत्नी अर्जन दास पंजाबी एवं श्री विनोद कुमार अर्जुनदास पुत्र अर्जुनदास साझेदार थे। दिनांक 01 अप्रैल, 2021 को एक नयी साझेदारी बनी जिसमें, श्रीमती रिया विनोद पंजाबी पत्नी श्री विनोद पंजाबी शामिल हो रही है। वर्तमान में तीन साझेदार क्रमशः श्रीमती कविता अर्जनदास पत्नी अर्जन दास पंजाबी, श्री विनोद कुमार अर्जुनदास पुत्र अर्जुनदास एवं श्रीमती रिया विनोद पंजाबी पत्नी श्री विनोद पंजाबी साझेदार है। जिसमें मुझे कोई आपत्ति नहीं है।

श्रीमती कविता अर्जनदास,
साझेदार,
मेसर्स—अदा, 73 हजरतगंज,
लखनऊ।

सूचना

सर्वसाधारण को सूचित किया जाता है कि मेसर्स अथर्व इण्डेन, ग्राम सुल्तानपुर दोस्त, तह० ठाकुरद्वारा, जिला-मुरादाबाद (यू०पी०) पंजीकरण सं०-एम० ओ० आर०-0017478 में पंजीकरण के समय दो साझेदार नरेश चन्द्रा एवं श्रीमती पायल चन्द्रा थे। अब दोनों साझेदार उक्त व्यापार को साझेदारी में चलाना नहीं चाहते हैं, जिस कारण दोनों साझेदारों ने अपसी सहमति से दिनांक 19 अप्रैल, 2025 को उक्त फर्म डिजोल्व कर दी है, तथा फर्म पर कोई देनदारी व लेनदारी बकाया नहीं है।

नरेश चन्द्रा एवं श्रीमती पायल चन्द्रा,
साझेदार,
मेसर्स अथर्व इण्डेन, ग्राम सुल्तानपुर दोस्त,
तह० ठाकुरद्वारा, जिला-मुरादाबाद (यू०पी०)

सूचना

सर्वसाधारण को सूचित किया जाता है कि मेरा सही नाम स्वाती पुत्री तुलसीराम है जो मेरे शैक्षिक अभिलेखों में अंकित है। त्रुटिवश मेरे आधार कार्ड सं०-5487 1102 8946 में मेरा नाम स्वेता हो गया है जो कि गलत है। भविष्य में मुझे मेरे सही नाम स्वाती पुत्री तुलसीराम के नाम से जाना व पहचाना जाय।

एतद्द्वारा प्रमाणित किया जाता है कि उपरोक्त के सम्बन्ध में समस्त विधिक औपचारिकताये स्वयं मेरे द्वारा पूर्ण की गई है।

स्वाती,
पुत्री तुलसीराम,
पता— ग्राम व पोस्ट अम्बारा पश्चिम,
तहसील लालगंज जनपद-रायबरेली।

सूचना

सर्वसाधारण को सूचित किया जाता है कि मेरी पत्नी का नाम सुमित्रा देवी पत्नी फूलचन्द है। जो उसके आधार कार्ड, पैन कार्ड में अंकित है। त्रुटिवश मेरी सेवा से सम्बंधित अभिलेखों में मेरी पत्नी का नाम सुमित्रा कुमारी अंकित हो गया है जो कि गलत है।

एतद्द्वारा प्रमाणित किया जाता है कि उपरोक्त के सम्बन्ध में समस्त विधिक औपचारिकताये स्वयं मेरे द्वारा पूर्ण की गई है।

फूलचन्द,
ग्राम फूलवारी बाग,
कटहुला गौसपुर, प्रयागराज।

सूचना

सर्वसाधारण को सूचित किया जाता है कि मेरी पुत्री का सही नाम याशिता श्री गुप्ता पुत्री संतोष कुमार है जो उसके शैक्षिक अभिलेखों में अंकित है। त्रुटिवश मेरी पुत्री के आधार कार्ड सं0-8221 3153 8579 में उसका नाम अलिया श्री अंकित हो गया है जो कि गलत है। भविष्य में मेरी पुत्री को उसके सही नाम याशिता श्री गुप्ता पुत्री संतोष कुमार के नाम से जाना व पहचाना जाये।

उपरोक्त के सम्बन्ध में समस्त विधिक औपचारिकताये स्वयं मेरे द्वारा पूर्ण की गई है।

मंजू गुप्ता,
पत्नी संतोष कुमार,
पता-6/4 तुलारामबाग प्रयागराज।

सूचना

सर्वसाधारण को सूचित किया जाता है कि मेरी पुत्री का सही नाम सिद्धी शर्मा पुत्री अरुण कुमार है जो कि उसके जन्म प्रमाण पत्र में अंकित है। त्रुटिवश मेरी पुत्री के आधार कार्ड सं0-2430 0722 7520 में उसका नाम कविता देवी अंकित हो गया है जो कि गलत है। भविष्य में मेरी पुत्री को उसके सही नाम सिद्धी शर्मा पुत्री अरुण कुमार के नाम से जाना व पहचाना जाय।

एतद्द्वारा प्रमाणित किया जाता है कि उपरोक्त के सम्बन्ध में समस्त विधिक औपचारिकताये स्वयं मेरे द्वारा पूर्ण की गई है।

अरुण कुमार,
पुत्र विजय कुमार,
निवासी— छेड़ीबीर पोस्ट भदोही,
तहसील व परगना भदोही,
जनपद भदोही उ0प्र0।

सूचना

सर्वसाधारण को सूचित किया जाता है कि मेरा सही नाम मुस्कान केसरवानी (MUSKAN KESHARWANI) पुत्री राजेश केसरवानी (RAJESH KESHARWANI) है जो मेरे शैक्षिक अभिलेख में अंकित है। त्रुटिवश मेरे आधार कार्ड सं0-2682 2186 4683 में मेरा नाम मुस्कान केसरवानी (MUSKAN KESARWANI) अंकित हो गया है जो कि गलत है। भविष्य में मुझे मेरे सही नाम मुस्कान केसरवानी (MUSKAN KESHARWANI) पुत्री राजेश केसरवानी (RAJESH KESHARWANI) के नाम से जाना व पहचाना जाय।

एतद्द्वारा प्रमाणित किया जाता है कि उपरोक्त के सम्बन्ध में समस्त विधिक औपचारिकताये स्वयं मेरे द्वारा पूर्ण की गई है।

मुस्कान केसरवानी (MUSKAN KESHARWANI),
पुत्री राजेश केसरवानी (RAJESH KESHARWANI)
पता-432ए/1, इन्द्रपुरी कालोनी, नया बैरहना,
जनपद प्रयागराज।

सूचना

सर्वसाधारण को सूचित किया जाता है कि मेरे पुत्र का सही नाम विक्रान्त रघुवंशी/VIKRANT RAGHUVANSHI पुत्र पंकज रघुवंशी/PANKAJ RAGHUVANSHI है जो उसके शैक्षिक अभिलेख में अंकित है। त्रुटिवश मेरे पुत्र के आधार कार्ड संख्या-2143 9089 0563 में उसका नाम आर्या सिंह हो गया है जो कि गलत है। भविष्य में मेरे पुत्र को उसके सही नाम विक्रान्त रघुवंशी/VIKRANT RAGHUVANSHI पुत्र पंकज रघुवंशी/PANKAJ RAGHUVANSHI के नाम से जाना व पहचाना जाये।

पंकज रघुवंशी,
पुत्र नागेन्द्र सिंह,
पता-3/136 विश्वास खंड,
गोमती नगर, लखनऊ।

सूचना

सर्वसाधारण को सूचित किया जाता है कि मेरी पुत्री का सही नाम कृतिका रघुवंशी/KRITIKA RAGHUVANSHI पुत्री पंकज रघुवंशी/PANKAJ RAGHUVANSHI है जो उसके शैक्षिक अभिलेख में अंकित है। त्रुटिवश मेरे पुत्री के आधार कार्ड संख्या-6142 4507 3633 में उसका नाम आराध्या सिंह हो गया है जो कि गलत है। भविष्य में मेरी पुत्री को उसके सही नाम कृतिका रघुवंशी/KRITIKA RAGHUVANSHI पुत्री पंकज रघुवंशी/PANKAJ RAGHUVANSHI के नाम से जाना व पहचाना जाये।

पंकज रघुवंशी,
पुत्र नागेन्द्र सिंह,
पता-3/136 विश्वास खंड,
गोमती नगर, लखनऊ।

सूचना

सर्वसाधारण को सूचित किया जाता है कि मेरा सही नाम पूजन पुत्र सन्त लाल है जो मेरे जन्म प्रमाण पत्र, पास पोर्ट तथा उपजिलाधिकारी द्वारा जांच रिपोर्ट में अंकित है। त्रुटिवश मेरे आधार कार्ड सं0-9781 9798 1779 में मेरा नाम शिव पूजन अंकित हो गया है जो कि गलत है भविष्य में मुझे मेरे सही नाम पूजन पुत्र सन्त लाल के नाम से जाना व पहचाना जाए।

एतद्वारा प्रमाणित किया जाता है कि उपर्युक्त के सम्बन्ध में समस्त विधिक औपचारिकताये स्वयं मेरे द्वारा पूर्ण की गयी है।

पूजन,
पता-भेस्की हंडिया,
प्रयागराज।

सूचना

सर्वसाधारण को सूचित किया जाता है कि मेरा सही नाम मधुलिका जायसवाल पुत्री राजेन्द्र प्रसाद जायसवाल पत्नी हरीश कुमार है जो मेरे शैक्षिक अभिलेख में अंकित है त्रुटिवश मेरे आधार कार्ड सं0-8368 3223 1555 में मेरा नाम गीता जायसवाल अंकित हो गया है जो धरेलू नाम है। भविष्य में मुझे मेरे सही नाम मधुलिका जायसवाल पुत्री राजेन्द्र प्रसाद जायसवाल पत्नी हरीश कुमार के नाम से जाना व पहचाना जाय।

एतद्वारा प्रमाणित किया जाता है कि उपर्युक्त के सम्बन्ध में समस्त विधिक औपचारिकताये स्वयं मेरे द्वारा पूर्ण की गयी है।

मधुलिका जायसवाल,
निवासिनी-59 राजेन्द्र नगर,
कटघर, प्रयागराज, उ0प्र0।

सूचना

सर्वसाधारण को सूचित किया जाता है कि मेरे पुत्र का सही नाम यथार्थ त्रिपाठी पुत्र अनुपम त्रिपाठी है जो उसे शैक्षिक अभिलेख में अंकित है। त्रुटिवश मेरे पुत्र के आधार कार्ड संख्या-4628 3029 0177 में उसका नाम शिवाय त्रिपाठी अंकित हो गया है जो कि गलत है। भविष्य में मेरे पुत्र को उसके सही नाम यथार्थ त्रिपाठी पुत्र अनुपम त्रिपाठी के नाम से जाना व पहचाना जाय।

एतद्वारा प्रमाणित किया जाता है कि उपर्युक्त के सम्बन्ध में समस्त विधिक औपचारिकताये स्वयं मेरे द्वारा पूर्ण की गयी है।

अनुपम त्रिपाठी पुत्र अवध बिहारी त्रिपाठी,
निवासी-चक बिंदा उर्फ सैदाबाद,
हण्डिया, प्रयागराज।

सूचना

सर्वसाधारण को सूचित किया जाता है कि मेरे पुत्र का सही नाम PRAGYAN PRAKASH पुत्र PRADYOT PRAKASH है जो उसके अभिलेख, आधार कार्ड में अंकित है। मैंने अपने पुत्र का स्वास्थ्य ठीक न रहने के कारण ज्योतिषाचार्य के अनुसार उसका नाम PRAGYAN PRAKASH से बदलकर ISHANT PRAKASH रख लिया है। भविष्य में मेरे पुत्र को ISHANT PRAKASH पुत्र PRADYOT PRAKASH के नाम से जाना व पहचाना जाए।

एतद्वारा प्रमाणित किया जाता है कि उपरोक्त के सम्बन्ध में समस्त विधिक औपचारिकताये स्वयं मेरे द्वारा पूर्ण की गयी है।

PRADYOT PRAKASH
पता—ए-102, महावीर हाइट्स,
शिवदासपुर लहरतारा, मंडुवाडिह,
जिला वाराणसी, उ0प्र0।

सूचना

सर्वसाधारण को सूचित किया जाता है कि मेरी पुत्री का सही नाम गौरी मिश्रा पुत्री शैलेन्द्र मिश्रा है जो उसके शैक्षिक अभिलेख, विद्यालय पहचान पत्र एवं जन्म प्रमाण पत्र में अंकित है। त्रुटिवश मेरी पुत्री के आधार कार्ड सं0-4229 2061 4145 में उसका नाम सात्विक मिश्रा अंकित हो गया है जो कि गलत है। भविष्य में मेरी पुत्री को उसके सही नाम गौरी मिश्रा पुत्री शैलेन्द्र मिश्रा के नाम से जाना व पहचाना जाये।

एतद्वारा प्रमाणित किया जाता है कि उपर्युक्त के सम्बन्ध में समस्त विधिक औपचारिकताये स्वयं मेरे द्वारा पूर्ण की गयी है।

शैलेन्द्र मिश्रा,
पता— 64 एल0आई0जी0,
जनता नगर बर्सा-3 कानपुर नगर उ0प्र0।

सूचना

सर्वसाधारण को सूचित किया जाता है कि मेरा सही नाम अक्षत श्रीवास्तव वयस्क पुत्र अमित श्रीवास्तव है। जो मेरे शैक्षिक अभिलेख, बैंक पासबुक, आधार कार्ड व पैन कार्ड में अंकित है। त्रुटिवश एल0आई0सी0 पॉलिसी सं0-233195029, 233203928, 233785822 में मेरा नाम शिवम श्रीवास्तव अंकित हो गया है जो कि मेरा घरेलू नाम है। भविष्य में मुझे मेरे सही नाम अक्षत श्रीवास्तव पुत्र अमित श्रीवास्तव के नाम से जाना व पहचाना जाय।

एतद्वारा प्रमाणित किया जाता है कि उपर्युक्त के सम्बन्ध में समस्त विधिक औपचारिकताये स्वयं मेरे द्वारा पूर्ण की गयी है।

अक्षत श्रीवास्तव वयस्क,
पुत्र अमित श्रीवास्तव,
निवासी 1/86 कटरी ज्योरा नवाबगंज,
कानपुर नगर।

सूचना

सर्वसाधारण को सूचित किया जाता है कि मेरा सही नाम पवनी वर्मा बालिग पुत्री अमित कुमार वर्मा है। जो मेरे शैक्षिक अभिलेख, बैंक पासबुक, पैन कार्ड व आधार कार्ड में अंकित है। त्रुटिवश एल0आई0सी0 पॉलिसी सं0 233238622 में मेरा नाम ऋष्टि वर्मा अंकित हो गया है जो कि मेरा घरेलू नाम है। भविष्य में मुझे मेरे सही नाम पवनी वर्मा बालिग पुत्री अमित कुमार वर्मा के नाम से जाना व पहचाना जाये।

एतद्वारा प्रमाणित किया जाता है कि उपर्युक्त के सम्बन्ध में समस्त विधिक औपचारिकताये स्वयं मेरे द्वारा पूर्ण की गयी है।

पवनी वर्मा बालिग,
पुत्री अमित कुमार वर्मा,
निवासिनी—वार्ड नं0 6 शिवाजी नगर,
पुखरायां, कानपुर देहात।

सूचना

सर्वसाधारण को सूचित किया जाता है कि मेरा सही नाम जितेन्द्र कुमार (Jitendra Kumar) पुत्र राम प्रताप (Ram Pratap) है, जो मेरे शैक्षिक अभिलेखों में दर्ज है। त्रुटिवश मेरे आधार कार्ड संख्या-3915 6205 1015 में मेरा घरेलू नाम रूपेश यादव दर्ज हो गया है, जो कि गलत है। भविष्य में मुझे मेरे सही नाम जितेन्द्र कुमार (Jitendra Kumar) पुत्र राम प्रताप के नाम से जाना व पहचाना जाए।

एतद्वारा प्रमाणित किया जाता है कि उपरोक्त के सम्बन्ध में समस्त विधिक औपचारिकताये स्वयं मेरे द्वारा पूर्ण की गयी है।

जितेन्द्र कुमार,
पता-ग्राम मिर्जापुर, पोस्ट बेंती,
थाना बंधरा, जनपद लखनऊ।

NOTICE

Be it known to all that my real name is Dharmavati W/o Mishrilal which is written in my khatauni, bank passbook, family register, deputy district officer inquiry letter and gas connection documents, By mistake in my adhar card no. 4204 1261 4379 my name is wrongly

written as Sridevi which is my household name. In future I shall be known and recognize as Dharmavati W/o Late Mishrilal. All the legal formalities regarding this matter has been done by myself.

Deponant
Dharmavati,
W/o Late Mishrilal,
Permanent address-
R/o, vill-Berhara Majre Godha,
Pargana Deva, Teh-Nawabganj,
P.S-Jahangirabad. Dist-Barabanki.

सूचना

सर्वसाधारण को सूचित किया जाता है कि मेरा नाम राजेश कुमार सिंह पुत्र राम दयाल सिंह है जो कि मेरे शैक्षिक अभिलेख तथा अन्य दस्तावेजों में अंकित है। मैंने अपना नाम ज्योतिषीय परामर्श के आधार पर राजेश कुमार सिंह से बदलकर राजेश सिंह दयाल कर लिया है। अब भविष्य में मुझे राजेश सिंह दयाल पुत्र राम दयाल सिंह के नाम से जाना व पहचाना जाए।

राजेश कुमार सिंह,
निवासी-5/592, निकट दयाल चौराहा,
गोमती नगर, लखनऊ उत्तर प्रदेश।